DOCUMENT RESUME

ED 231 968 CE 036 377

TITLE Building a Partnership: Vocational Education and the Private Sector.
INSTITUTION American Vocational Association, Inc., Arlington, Va.
PUB DATE 83
NOTE 234p.; The papers collected here were distributed at a series of regional conferences (Las Vegas, NV; Dallas, TX; Washington, DC, December 1982-January 1983). The Job Training Partnership Act, reproduced on pages 165-191, is marginally legible.
AVAILABLE FROM American Vocational Association, 2020 North 14th Street, Arlington, VA 22201 ($25.00).
PUB TYPE Collected Works - General (020) -- Information Analyses (070) -- Viewpoints (120)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Adolescents; Adults; Career Counseling; Career Guidance; *Education Work Relationship; Employer Attitudes; Employment Programs; *Federal Legislation; Federal Programs; Federal Regulation; *Government Role; *Government School Relationship; Job Development; Program Implementation; *School Business Relationship; Statewide Planning; Student Organizations; Vocational Education
IDENTIFIERS *Job Training Partnership Act 1982; *Private Sector

ABSTRACT

The seven major papers in this collection discuss the implications of the Job Training Partnership Act (JTPA) (Public Law 97-300) of 1982 from the points of view of its various constituencies. Two of the papers discuss the effects of the JTPA on national employment and training programs, and on state-level programs, while a third discusses strategies for local groups and individuals to use in enhancing education's role in delivery of service. The fourth paper discusses the connections between education and the private sector contained in the act, while a fifth paper outlines the implications of the act on vocational education. Two areas that will be affected by the JTPA, counseling and guidance and student organizations (job clubs) are the subjects of the final two major papers in the document. Other information contained in this document includes an anticipated timetable to implement the JTPA, a summary and overview of the JTPA for vocational education, and the text of the JTPA legislation. (KC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED231968

BUILDING A PARTNERSHIP: VOCATIONAL EDUCATION AND THE PRIVATE SECTOR

American Vocational Association
2020 N. 14th Street
Arlington, VA 22201

CE 036 377

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✓ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

1983

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

M Zelinka

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

BUILDING A PARTNERSHIP
VOCATIONAL EDUCATION AND THE PRIVATE SECTOR

JANUARY 10-12, 1983

TABLE OF CONTENTS

	SECTION
"NEW DIRECTIONS FOR NATIONAL EMPLOYMENT AND TRAINING PROGRAMS: UNDERSTANDING THE JOB TRAINING PARTNERSHIP ACT" Letitia Chambers	I
"CONNECTIONS BETWEEN EDUCATION AND THE PRIVATE SECTOR CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)" Dean Griffin	II
"STRATEGIES FOR STATE LEVEL GROUPS TO USE IN IMPLEMENTING THE JOB TRAINING PARTNERSHIP ACT" Byrl Shoemaker	III
"STRATEGIES FOR LOCAL GROUPS AND INDIVIDUALS TO USE IN ENHANCING EDUCATION'S ROLE IN DELIVERY OF SERVICE" William C. Knaak	IV
"INCREASED OPPORTUNITIES THROUGH THE JOB TRAINING PARTNERSHIP ACT OF 1982: IMPLICATIONS FOR VOCATIONAL EDUCATION" Marguerite B. Hubbs, John W. Schell, Michael J. Dyrenfurth	V
"A PLAN FOR THE IMPLEMENTATION OF JTPA JOB CLUBS BY VOCATIONAL STUDENT ORGANIZATIONS" Coordinating Council on Vocational Student Organizations Consultant: George Lear	VI
"THE ROLE OF COUNSELING AND GUIDANCE IN THE IMPLEMENTATION OF P.L. 97-300, "JOB TRAINING PARTNERSHIP ACT (JTPA)" American Personnel and Guidance Association	VII
MISCELLANEOUS DOCUMENT AND PAPERS 1. Anticipated Timetable to Implement JTPA 2. "Job Training Partnership Act" Summary and Overview for Vocational Education 3. "Job Training Partnership Act"	VIII

NEW DIRECTIONS FOR NATIONAL EMPLOYMENT AND TRAINING PROGRAMS: UNDERSTANDING THE JOB TRAINING PARTNERSHIP ACT

AUTHOR

LETITIA CHAMBERS

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

NEW DIRECTIONS FOR NATIONAL EMPLOYMENT AND TRAINING PROGRAMS: Understanding the Job Training Partnership Act

The role of the federal government in employment and training policy has again been redefined with the recent passage of the Job Training Partnership Act, P.L. 97-300, which was signed into law on October 13, 1982. This latest revision of federal policy comes at a time of dwindling federal commitment to intervene in increasingly severe labor market problems, both structural and cyclical in nature. The recent retrenchment is visible not only in the shape of the new legislation but also in dramatic cuts in the federal budget for programs supporting employment and training activities.

Examination of the history of the federal role in employment and training puts the recent changes in perpsective. Passage of the Morrill Act of 1862, which established land grant colleges, and the Smith-Hughes Vocational Education Act of 1917, which first established the federal commitment to technical training, provided major impetus for the creation of the nation's public university and vocational education system. While these activities still receive federal funds, they are now largely state entities supported by state and local taxation. The federal role in establishing these institutions was crucial to educational development of the nation's work force, and provided the cornerstone of federal employment and training policy.

The second major government commitment came during the Great Depression. Creation of the Works Progress Administration and the Civilian Conservation Corps established public service employment as a tool for reducing economic hardship during periods of severe unemployment. These programs established the idea of the government

as the employer of last resort. These programs became the model for the Public Employment Program (PEP) in 1971 and later for counter-cyclical job creation under the Comprehensive Employment and Training Act of 1973 (CETA).

The third corner of the federal commitment to employment and training came in 1933 with the passage of the Wagner-Peyser Act creating the Employment Service system as a federal-state partnership to perform job placement and other employment activities. Later federal employment and training programs, however, often ignored the already operating Employment Service system and, as in the case of CETA, duplicated some of its functions rather than expanding and strengthening the existing system.

Another major component of federal employment and training policy was also created during the Depression. The Unemployment Insurance system, created in 1935 by the Social Security Act, provides a mechanism for stabilizing the workforce during periods of unemployment while providing income maintenance for unemployed workers. This major source of employment-related income maintenance, also a federal-state partnership, is funded through employer taxes. Today, this system faces a severe financial crisis; its funding mechanisms have proven inadequate to handle the current recession, the most serious since the Great Depression.

Direct government intervention related to employment policy has a long history. Education and training, public service employment, job placement assistance, and income maintenance or adjustment assistance still form the basis for federal employment and training efforts.

Numerous employment and training programs to expand skill training and employability development were created in the 1960's as part of the Great Society. These programs, the largest of which were the Manpower Development Training Act and the Neighborhood Youth Corps, were aimed primarily at disadvantaged youth and adults who needed skill training in order to compete in the labor market. Some assistance was also offered to "dislocated" workers whose skills were rendered obsolete by advancing technologies. These programs, with overlapping goals and diverse service delivery arrangements, along with the PEP jobs program were consolidated in 1973 to form CETA.

Over the next 10 years, the nation was faced with a series of economic downturns for which CETA was the prime employment related response. When CETA was passed, funding was set at around $2 billion. After subsequent build-ups of both the counter-cyclical PSE program, the structural PSE program targeted to the disadvantaged, and structural training programs to provide remedial and skill training, job search assistance, employability development, and placement assistance programs, CETA's funding had climbed to around $10 billion.

CETA legislation basically created a new employment and training institution within state and local government, with myriad tasks of varying clarity. The successes and failures of CETA will be analyzed for some time to come, as will the progress of CETA's sucessor, the Job Training Partnership Act, which narrows the tasks and signficantly alters the administrative arrangements. Funding for JTPA is set at $3.7 billion for fiscal year 1983, a major retrenchment from the federal commitment to employment and training programswhich existed during recessions of the past decade.

Job Training Partnership Act (JTPA)

Congress' purpose in authorizing the Job Training Partnership Act is clearly stated in Section 2 of the Act. "It is the purpose of this Act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals with barriers to employment, who are in special need of such training to obtain productive employment."

The purpose of JTPA is thus the same as one of the primary purposes of CETA - to provide training and employability development. Training, the oldest tool, also appears to be the most enduring.

The other purposes of CETA were eliminated in JTPA, which limits the federal role in employment and training policy by repealing authority to use public service employment to provide economic stimulus or to reduce economic hardship for the unemployed. Moreover, income maintenance functions of CETA through PSE and use of stipends and work experience programs are almost non-existent in JTPA.

Title II, Part A of JTPA authorizes training services for disadvantaged adults and youth. Authorized activities listed in Section 204 of the Act are similar to CETA's list of training activities. The types of programs and activities developed to fulfill the purpose of JTPA can be expected to resemble CETA training programs.

While the activities at the service delivery level may be similar under JTPA, the path from federal legislation to service delivery promises to be quite different. A second major set of

purposes of JTPA is to create a functional division of labor between the various levels of government. The most profound change is the signficantly enlarged role of the state governments. Unlike CETA, which relied heavily on direct federal-local government links, JTPA places key goal-setting and management prerogatives with the Governors and the states, allowing the coordination of separate state entities into a comprehensive worker preparation system that responds to the state's economic development strategies. The hope is that through the Governor and the State Job Training Coordinating Council, a state's education, social services, employment (placement) services, labor market information, training, and economic development systems can be brought together. Human resources planning and budgeting, provision of related technical services and program support, as well as resource allocation, all can occur in a comprehensive context under the Job Training Partnership Act.

The enhancement of the state role in JTPA comes at a cost to federal authority. The strategic management and policy-making authority of the federal government in employment and training is dramatically reduced by the Job Training Partnership Act. These responsibilities are shifted to the states and localities, to be handled by a partnership between the public and private sectors.

Several essential federal responsibilities remain, however. The federal government, through the Department of Labor, will continue to assure nondiscrimination in all programs and to assure due process for all parties. The Secretary of Labor is given the responsibility to adjudicate appeals. Investigations through the Inspector General of DOL remains intact. The Secretary also

is authorized to monitor and investigate recipients for compliance with provisions of the Act. While most fiscal control shifts to the state government, the Secretary of Labor is authorized to provide standards and guidance, and the Office of Management and Budget is authorized to review audit and fund-accounting procedures. The federal government will continue to set reporting requirements and to promulgate regulations for the program.

Additionally, the Secretary of Labor is charged with key responsibilities in the Labor Market Information (LMI) program, as well as providing technical assistance to the states. Last, the Secretary of Labor is charged with providing technical and financial assistance to the states in making the transition from CETA to the Job Training Partnership Act.

It is important to note that at the end of the transition period, the Department of Labor's roles as advisors, trainers, and planners will largely terminate. The majority of decision making authority will reside with either the Governor and the State Job Training Coordinating Council, or the Private Industry Councils and local elected officals.

Roles of the Governor and the State

The Job Training Partnership Act makes major changes in the roles of the Governor and state government, enhancing the opportunities and responsibilities of the state to integrate previously independent entities that train, educate, assist or place state residents. The Act creates a framework in which these entities can work together.

The Governor will appoint a State Job Training Coordinating Council to work with the Governor's office in administering the program. This council will be advisory in nature, with the Governor having final responsibility for decision-making.

The Governor and the Council, along with developing the overall state plan, called the Governor's Coordination and Special Services Plan, will designate the Service Delivery Areas (SDAs), certify the local Private Industry Councils (PICs) in each SDA, and review and approve the job training plans submitted by each SDA. The Governor also has responsibility for providing technical assistance, evaluation, reorganization of SDAs if they are not meeting their performance goals, and management of a state-wide comprehensive labor market information program. The Governor will develop resource allocation criteria, including allocation of special funds set-aside for the coordination of education programs, improvement of placement programs, and for older worker training activities.

Another opportunity available to expand the Governor's role resides in title III of JTPA, which authorizes the displaced worker program. This separate authorization provides the Governor with monies targeted to training and relocation of displaced workers within the state. The opportunities to train, re-train, and re-educate are varied and will be planned in cooperation with the private sector, state and local officals and can be statewide, or conducted within the service delivery areas. The funds provided the Governor must be matched by non-JTPA resources, giving the state the opportunity and incentive to leverage other resources such as those which may be available through economic development programs and resources from the education agencies and the private sector. This title offers an opportunity for the Governor and the state vocational education agency to jointly plan retraining programs for dislocated workers.

Another state coordination opportunity is the integration of the

previously independent placement system (the U.S. Employment Service) with the training system. This should avoid the duplications of effort that existed before the new law.

The SDA concept of JTPA is a major departure from the CETA system which provided automatic designation of prime sponsors on the basis of population alone. The service delivery area concept requires the Governor, in consultation with the State Job Training Coordinating Council, to draw a map which divides the state into service delivery areas. Although there are some jurisdictions that may request automatic designation, the service delivery areas should reflect operational labor market areas. Most Governors are expected to divide the state into SDAs, since single-SDA states will lose many of the prerogatives for coordination and goal-setting to the Secretary of Labor.

Drawing this state map will require thoughtful review not only of labor market areas, but of existing service delivery structures which provide social services, education, and other human resources assistance. Once SDAs are established, the immediate task is to develop a local Private Industry Council (PIC) for each SDA. The members of the PIC will be nominated by local private sector business organizations, local elected officals, and other community agencies, including educational institutions.

Once the SDAs are designated and the PICs are constituted, the task of determining the best, most effective, cost efficient and most needed training for each community or area will begin. The PIC is "to provide policy guidance for, and exercise oversight with respect to, activities under the job training plan for its service delivery area in partnership with the unit or units of

general local government within its service delivery area." (Section 103.)

The role of local government is reduced in JTPA from the primacy it enjoyed under CETA. All jurisdictions will be subordinated to the state, and the chief operating officer or officers of an SDA must work in partnership with the PIC, with both required to agree with the job training plan before it is submitted to the Governor.

Local programs will no longer be administered automatically under local government. The PIC, in accordance with an agreement with the appropriate chief elected offical(s) will select an "entity" to administer the job training plan at the local level. The PIC may choose itself, any unit of the local government in the SDA, a non-profit organization, or any other agreed-upon entity.

The administration of JTPA at the local level is left to local decision-making. Any entity can be named to administer the job training plan, including local education agencies or vocational education authorities. Since the PIC must include educational representatives, there is be an inside voice on the PIC for educational institutions that want to manage the local system.

In addition, there are no presumptive deliverers of basic skill training or occupational training. Education agencies may negotiate with the "administrative entity" and the PIC to deliver services in the local area. Existing educational agencies and institutions are in fact given a priority as service providers by the language in Section 107(b) which states: " Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State or local sources, unless the plan establishes that alternative services or facilities would be more effective or more likely to achieve performance goals."

Many educators believed that CETA's by-pass of existing educational institutions was wasteful. For educators who believe they can do a better job of job training, the opportunity to do so has arrived. The flexibility at the local level granted by JTPA creates an opportunity for existing providers of high quality services. A good reputation as a service provider and the political acumen to get the local elected offical(s) and the PIC to agree on a strategy is all that is needed to become a JTPA provider.

Conclusions

The stated purposes of JTPA is to provide training and to help the disadvantaged enter the labor market. The other purposes inherent in the law include enhancing the state role, minimizing the federal role, and changing local authority by downgrading the role of local elected officals through requiring that their authority be shared with the Private Industry Council. There is precedent for the larger state role in other federal programs, and most states can be expected to bring some level of sophistication to their new responsibilities.

The joint authority given the local elected officals and the PIC is without precedent. Whether such an arrangement will work well in practice remains to be seen. The increased flexibility for local decision-making at the local level provides an opportunity for each local service delivery area to chose the program administrators and service providers most appropriate for the programs needed in that particular area. Educators will have the opportunity, in localities which so choose, to participate in total program administration, and as service providers for the general program. This is in addition to the educational set-aside contained in Section

123 of the Act.

The Job Training Partnership Act reflects not only limited federal involvement in administration but limited funding for employment and training purposes. If the Congress determines that large amounts of additional funding are needed for employment and training programs, the nature of the JTPA local administrative arrangements would make it difficult quickly to expand the program or add a public service employment component. Thus, while the Job Training Partnership Act may grow over time, it is not likely ever to receive the level of funds commanded by its predecessor, the Comprehensive Employment and Training Act.

FEDERAL ROLE

MONITORING

REPORTING REQUIREMENTS

FISCAL CONTROLS
(standards and guidance)

INVESTIGATIONS

ADJUDICATION OF APPEALS

ASSURE NONDISCRIMINATION IN ALL PROGRAMS

ASSURE DUE PROCESS FOR OPERATORS, PARTICIPANTS AND OTHER INTERESTED PARTIES

PROMULGATE REGULATIONS

ASSIST THE TRANSITION FROM CETA TO JTPA

OPERATE TRAINING PROGRAMS FOR:

- NATIVE AMERICANS
- JOB CORPS
- MIGRANT AND SEASONAL FARMWORKERS
- VETERANS

OTHER NATIONAL ACTIVITIES

MULTI-STATE PROGRAMS (JOBS FOR AMERICA'S YOUTH, 70,001, ETC)

RESEARCH AND DEMONSTRATION PROJECTS

PILOT PROJECTS

TECHNICAL ASSISTANCE AND TRAINING INCLUDING MAINTENANCE OF A NATIONAL CLEARINGHOUSE

COOPERATIVE EMPLOYMENT STATISTICS, LABOR MARKET INFORMATION, AND NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE (NOICC)

NATIONAL JOB BANK (JOB MATCH) SYSTEM

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

AFFIRMATIVE ACTION TRAINING PLANS

STATE ROLES

Governors - APPOINT THE STATE JOB TRAINING COORDINATING COUNCIL (STJCC)

With the advice
of the STJCC,
Governors - DRAW THE SERVICE DELIVERY AREA (SDA) MAP

- FACILITATE THE ESTABLISHMENT OF PRIVATE INDUSTRY COUNCILS (PICs) IN EACH SDA
- CERTIFY THE PICs
- DEVELOP THE GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN (GCSSP)
- REVIEW, APPROVE/DISAPPROVE LOCALLY DEVELOPED JOB TRAINING PLANS
- APPOINT EITHER THE STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEE (SOICC) OR OTHER ENTITY TO OVERSEE AND MANAGE THE STATE LABOR MARKET INFORMATION PROGRAM
- PROVIDE TECHNICAL ASSISTANCE AND TRAINING TO INDIVIDUALS IN THE STATE PARTICIPATING IN THE OPERATION, MANAGEMENT AND GUIDANCE OF THE JOB TRAINING SYSTEM
- DEVELOP AND MAINTAIN FISCAL CONTROLS AND MANAGEMENT INFORMATION SYSTEMS
- PREPARE OR HAVE PREPARED FINANCIAL AND COMPLIANCE AUDITS OF EACH RECIPIENT OF FUNDS AT LEAST ONCE EVERY TWO YEARS

GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

The plan includes:

DESCRIPTION OF THE USE OF ALL RESOURCES COMING TO THE STATE AND ITS SERVICE DELIVERY AREAS

ANNUAL STATEMENT OF GOALS AND OBJECTIVES FOR THE STATE

CRITERIA FOR COORDINATION OF JTPA PROGRAMS WITH OTHER STATE HUMAN RESOURCES PROGRAMS

VARIATIONS ON PERFORMANCE STANDARDS FOR THE STATE OR SDAs

DESCRIPTION OF AGREEMENTS WITH EDUCATIONAL AGENCIES THROUGH THE STATE EDUCATION COORDINATION GRANTS (8% FUNDS)

DESCRIPTION OF AGREEMENTS WITH CERTAIN SDAs TO OPERATE TRAINING PROGRAMS FOR OLDER WORKERS (3% FUNDS)

DISCRIPTION OF A DISPLACED WORKER PROGRAM INCLUDING IDENTIFICATION OF MATCHING FUNDS

DISCRIPTION OF OTHER STATE SUPPORTED ACTIVITIES INCLUDING:

- TECHNICAL ASSISTANCE AND MODEL TRAINING
- OFFENDER PROGRAMS
- PROGRAMS INVOLVING CONSERVATION, USE OF ENERGY AND SOLAR ENERGY
- INDUSTRY-WIDE TRAINING PROGRAMS

STATE JOB TRAINING COORDINATING COUNCIL

Subject to the approval of the Governor, the STJCC:

DEVELOPS THE MAP OF THE SERVICE DELIVERY AREAS

DEVELOPS THE GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

RECOMMENDS RESOURCE ALLOCATIONS FOR THE GOVERNOR'S 22 PERCENT FUNDS

RECOMMENDS LINKAGES WITH OTHER STATE AND FEDERAL PROGRAMS

RECOMMENDS VARIATIONS IN PERFORMANCE STANDARDS FOR THE STATE AND/OR SDAs

CERTIFIES SDA PLANS TO THE GOVERNOR WHICH ARE CONSISTENT WITH THE COORDINATION CRITERIA DEVELOPED IN THE GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

ASSIST THE GOVERNOR TO COORDINATE THE ACTIVITIES OF PICs

STATE JOB TRAINING COORDINATING COUNCIL OVERSIGHT FUNCTIONS

The SJTCC monitors and oversees the operation of the state's training programs, making recommendations to the Governor which include:

MANAGEMENT GUIDENCE AND PROGRAM REVIEW TO SDAs

REVIEWS THE AVAILABILITY, RESPONSIVENESS AND ADEQUACY OF STATE SERVICES, RECOMMENDING METHODS FOR IMPROVING THE EFFECTIVENESS OF THE JOB TRAINING SYSTEM

REVIEWS AND COMMENTS ON:

- STATE EMPLOYMENT SERVICE PLAN
- STATE VOCATIONAL EDUCATION REPORTS
- ANY STATE AGENCY PLAN WHICH PROVIDES EMPLOYMENT, TRAINING, OR RELATED SERVICES, RECOMMENDING CHANGES TO THE GOVERNOR, AGENCY HEADS, FEDERAL REPRESENTATIVES OR THE STATE LEGISLATURE

INDENTIFIES NEEDS FOR VOCATIONAL EDUCATION, AS WELL AS EMPLOYMENT AND TRAINING PROGRAMS IN THE STATE, AND ASSESSES THE CONSISTENCY, INTEGRATION AND COORDINATION OF STATE-BASED AGENCIES IN MEETING THE NEEDS IN THE STATE FOR THESE SERVICES

STATE EDUCATION COORDINATION GRANTS

Of the Governor's 22 percent funds, 8 percent is set aside for financial assistance to any education agency responsible for employment and training programs:

80 PERCENT OF THESE FUNDS* ⇨ GO TO ⇨ COOPERATIVE AGREEMENTS

BETWEEN

STATE EDUCATION AGENCIES OR LOCAL EDUCATIONAL AGENCIES

AND

ADMINISTRATIVE ENTITIES IN THE SDAs

And

20 PERCENT OF THESE FUNDS ⇨ GO TO ⇨ FACILITATE

COORDINATION OF EMPLOYMENT AND TRAINING SERVICES FOR PARTICIPANTS THROUGH THESE COOPERATIVE AGREEMENTS

(* 75 percent of these funds must purchase training for economically disadvantaged participants)

Acceptance of State Education Coordination Grants by an education agency requires a 50 - 50 match but the match may include the direct cost of the training or employment services provided

If no cooperative agreements are arranged or funds from this set-aside are not used in this context, the Governor is then free to use the funds in carrying out the Governor's Coordination and Special Services Plan

MATCHING FUNDS

LABOR MARKET INFORMATION

State Responsibilities

Governors appoint the State Occupational Information Coordinating Committee (SOICC) or other entity to:

- DESIGN, MANAGE AND OVERSEE A COMPREHENSIVE LABOR MARKET AND OCCUPATIONAL SUPPLY/DEMAND INFORMATION SYSTEM FOR THE STATE, LOCAL AND SDA AREAS
- IMPLEMENT AND USE FEDERALLY ESTABLISHED, STANDARDIZED DEFINITIONS
- CONSOLIDATE STATE/LOCAL ADMINISTRATIVE DATA, SURVEYS, REPORTING INCLUDING STATE AND LOCAL EDUCATIONAL, VOCATIONAL EDUCATION, AND EMPLOYMENT SERVICE DATA, STANDARDIZING FEDERAL AND STATE MULTI-AGENCY RECORDS AND DATA COLLECTION
- ASSURE THAT, TO THE EXTENT POSSIBLE, AUTOMATION IS USED, THAT PAPERWORK AND SURVEY BURDENS ARE REDUCED
- PUBLISH AND DISSEMINATE INFORMATION ON A TIMELY BASIS
- RECEIVE FUNDS AND GUIDANCE FROM NOICC WHICH SUPPORTS THE DEVELOPMENT OF A COMPREHENSIVE STATEWIDE SYSTEM
- CONDUCTS RESEARCH AND DEMONSTRATION PROJECTS WHICH WILL ACHIEVE THE GOAL OF DEVELOPING A COMPREHENSIVE STATE-WIDE SYSTEM

REDUCING PAPERWORK

LABOR MARKET INFORMATION

Federal Responsibilities

The Secretary of Labor develops and maintains for the nation, states and local areas:

- CURRENT EMPLOYMENT DATA BY OCCUPATION AND INDUSTRY
- DESCRIPTIONS OF JOB DUTIES, TRAINING/EDUCATIONAL REQUIREMENTS, WORKING CONDITIONS, AND CHARACTERISTICS OF OCCUPATIONS
- STANDARDIZED DEFINITIONS OF EMPLOYMENT, UNEMPLOYMENT, OCCUPATIONS AND INDUSTRIES

The Secretary of Labor:

- CONSOLIDATES ALL DOL DATA COLLECTION AND PROCESSING SYSTEMS

In cooperation with Commerce, Defense, Treasury, Education, and OMB, the Secretary through NOICC:

- REVIEWS ALL NATIONAL DATA COLLECTION AND PROCESSING SYSTEMS AND INTEGRATES THEM TO THE GREATEST DEGREE POSSIBLE, REDUCING PAPERWORK, AND REPORTING/SURVEY BURDEN
- DEVELOPS STANDARDIZED DEFINITIONS
- PROVIDES TECHNICAL ASSISTANCE AND TRAINING TO SUPPORT STATE PROGRAMS

The National Occupational Information Coordinating Committee is expanded and allocates funds to the states to:

- DEVELOP A COMPREHENSIVE STATEWIDE LABOR MARKET AND OCCUPATIONAL SUPPLY/DEMAND INFORMATION SYSTEM
- IDENTIFY THE LMI NEEDS OF JTPA PARTICIPANTS, DEVELOPING AUTOMATED, ON-LINE SYSTEMS TO SUPPLY LMI TO PARTICIPANTS
- PROVIDE SUPPORT, TECNICAL ASSISTANCE, TRAINING, RESEARCH AND DEMONSTRATION PROJECTS WHICH ENHANCE THE DEVELOPMENT OF STATE PROGRAMS

LOCAL ROLES

PICs and Chief Elected Officals (CEOs) in PARTNERSHIP:

- PROVIDE POLICY GUIDANCE AND OVERSEE THE OPERATION OF TRAINING IN THE SDA
- DEVELOP THE PROCEDURES FOR CREATION OF THE JOB TRAINING PLAN FOR THE SDA
- APPOINT AN ADMINISTRATIVE ENTITY AND A GRANT RECIPIENT (MAY BE SEPARATE)
- DEVELOP PROCEDURES FOR SELECTING SERVICE PROVIDERS
- JOINTLY APPROVE THE SDA JOB TRAINING PLAN
- JOINTLY SUBMIT THE SDA JOB TRAINING PLAN TO THE GOVERNOR

The PICs:

- DEVELOP A BUDGET FOR PIC ACTIVITIES WHICH IS INCLUDED IN THE JOB TRAINING PLAN
- MAY HIRE STAFF, INCORPORATE, AND SOLICIT AND RECEIVE CONTRIBUTIONS AND GRANT FUNDS FROM OTHER PUBLIC AND PRIVATE SOURCES

SERVICE DELIVERY AREAS

SDAs should:

- PROMOTE EFFECTIVE DELIVERY OF SERVICES
- BE CONSISTENT WITH LABOR MARKET AREAS OR STANDARD METROPOLITAN STATISTICAL AREAS (WHOLE OR PART)
- BE CONSISTENT WITH AREAS OF RELATED SERVICES SUCH AS EDUCATION DISTRICTS OR SOCIAL SERVICES DELIVERY AREAS

Automatic designations upon request of the CEOs:

- UNITS OF GENERAL LOCAL GOVERNMENT OF 200,000 OR MORE POPULATION
- CONSORTIA OF UNITS OF CONTIGUOUS GENERAL LOCAL GOVERNMENT OF 200,000 OR MORE POPULATION
    - GOVERNORS MAY APPROVE REQUESTS FROM CONSORTIA UNDER 200,000 POPULATION IF THE CONSORTIUM SERVES "A SUBSTANTIAL PORTION OF THE LABOR MARKET AREA"
- DISAGREEMENTS ON SDA DESIGNATIONS ARE APPEALED TO THE SECRETARY OF LABOR
- FAILURE OF THE PIC AND CEOs TO AGREE ON A JOB TRAINING PLAN MAY RESULT IN REDESIGNATION OF THE SDA
- ONCE DESIGNATED, SDAs MAY BE CHANGED ONLY AFTER TWO YEARS OF OPERATION AND WITH NOTICE AT LEAST FOUR MONTHS PRIOR TO THE BEGINNING OF THE NEXT PROGRAM YEAR

NOMINATING PIC MEMBERS

ESTABLISHING THE PICs

The Chief Elected Offical or Officals in a SDA:

SET THE SIZE OF THE PIC

APPOINT MEMBERS OF THE PIC FROM LISTS OF NOMINEES

Nomination procedures:

PRIVATE SECTOR MEMBERS

Nominated by general purpose business organizations (this process has to be established in each SDA). The list of nominees must be 150 percent of the actual number of private sector seats on the PIC.

LOCAL EDUCATIONAL REPRESENTATIVES

Local educational agencies and organizations in each SDA nominate educational representatives to sit on the PIC (this procedure has to be established in each SDA).

OTHERS

Recommended to the CEOs by interested organizations and individuals from the general public, other state and local agencies, labor organizations, CBOs, civic groups, etc.

SDA JOB TRAINING PLANS

JOB TRAINING PLANS:

DESCRIBE PROGRAM OPERATIONS FOR TWO PROGRAM YEARS

IDENTIFY THE ADMINISTRATIVE ENTITY AND/OR GRANT RECIPIENT

DESCRIBE THE SERVICES, DURATION OF SERVICE, AND COST PER PARTICIPANT

ESTABLISH PERFORMANCE GOALS

ESTABLISH PROCEDURES FOR SELECTING SERVICE PROVIDERS

DEVELOP A TWO YEAR BUDGET, INCLUDING ANY PLANNED EXPENDITURES FOR FOUR YEARS

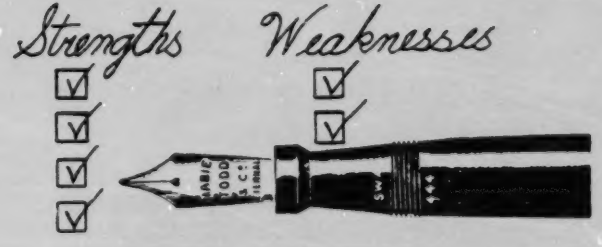
DESCRIBE HOW THE PLAN COMPLIES WITH THE GOVERNOR'S GOALS, OBJECTIVES AND COORDINATION CRITERIA

DESCRIBE FISCAL, ACCOUNTING, AUDIT AND DEBT COLLECTION PROCEDURES WHICH WILL OPERATE IN THE SDA

ESTABLISH PROCEDURES FOR DEVELOPING AN ANNUAL REPORT TO THE GOVERNOR

WHERE THERE IS MORE THAN ONE SDA IN A LABOR MARKET AREA, THE PLAN MUST EXPLAIN HOW THE SDAs WILL COORDINATE SERVICES

MODIFICATIONS TO A PLAN MAY BE REQUESTED BY THE PIC AND CEOs WHEN CONDITIONS IN THE SDA CHANGE



TRAINING AND SERVICES

Section 204 provides that the following types of services may be offered to youths and adults:

JOB SEARCH ASSISTANCE

JOB COUNSELING

REMEDIAL EDUCATION AND BASIC SKILLS TRAINING

INSTITUTIONAL SKILL TRAINING

ON-THE-JOB TRAINING

ADVANCED CAREER TRAINING

SPECIAL PRIVATE SECTOR OPERATED TRAINING PROGRAMS

OUTREACH

SPECIALIZED SURVEYS

PROGRAMS TO DEVELOP WORK HABITS

SUPPORTIVE SERVICES IF NECESSARY TO PARTICIPATION

UPGRADING AND RETRAINING

EDUCATION-TO-WORK TRANSITION ACTIVITIES

LITERACY TRAINING AND BILINGUAL TRAINING

WORK EXPERIENCE

VOCATIONAL EXPLORATION

EMPLOYMENT GENERATING ACTIVITIES

PRE-APPRENTICESHIP PROGRAMS

USE OF ADVANCED LEARNING TECHNOLOGY

DEVELOPMENT OF JOB OPENINGS

ON-SITE INDUSTRY-SPECIFIC TRAINING

FOLLOWUP SERVICES

NEEDS-BASED PAYMENTS NECESSARY TO PARTICIPATION

CONNECTIONS BETWEEN EDUCATION AND THE PRIVATE SECTOR CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

AUTHOR

DEAN GRIFFIN

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

CONNECTIONS BETWEEN EDUCATION AND THE PRIVATE SECTOR
CONTAINED IN THE
JOB TRAINING PARTNERSHIP ACT (PL 97-300)

The 97th Congress reached agreement and passed major legislation for job training which President Reagan signed into public law on October 13, 1982. This legislation signals a new era for collaboration between education and the private sector to enable economically disadvantaged individuals and others in special need of training to begin employment. It sets the stage for a partnership to strengthen the connections between education and the private sector.

The Job Training Partnership Act (PL 97-300) (JTPA) represents a departure from conventional methods of providing assistance to local education agencies and institutions. Most of the funds under the new act will flow from Governors to units of local government or consortia thereof. The private sector employer will act as a partner with local governments to receive funds to plan and provide direct support for training services. In an attempt to coordinate these efforts with education, the law provides for an 8% set-aside for any state education agency responsible for education and training. These funds will be used to provide services to eligible participants through cooperative agreements and to facilitate coordination of education and training services for all participants. The set-aside can be a catalyst for education to have a major role in these programs.

An important implication of the new law is that local education agencies and institutions providing vocational education will receive funds under the new law only after successful negotiations. They

must communicate directly with the Private Industry Council and local government in the service delivery area if they are to have the opportunity to be involved in planning and decisionmaking.

For years, many of us in vocational education have been calling for the further development of community partnerships in the delivery of vocational education. The 1973 CETA law, which is being replaced by this legislation, stressed the need for coordination between prime sponsors and vocational education. In 1978 when the Congress reauthorized CETA it sought involvement of vocational education in the delivery of services to the disadvantaged. As the 1978 legislation evolved it generated the idea of "separate but coordinated". Now Congress has mandated integral community partnerships in the delivery of education and training services. The total education community and, specifically, segments of vocational education will be full partners in the delivery of services.

Some in the private sector complain that in the past they were asked for advice which was not heeded. They were called on in training situations after the fact and training was designed without their involvement. This new legislation not only asks the private sector employers for advice but places them in the partnership so completely that they along with local government officials have responsibility for the success or failure of the training programs. While education agencies and institutions will deliver services, the planning and operation of community activities will rest heavily with the private sector employers.

What does this mean to the future of education and specifically for vocational education? This legislation can strengthen the delivery of vocational education services in the community. Most vocational educators have developed strong working relationships with the private sector employers. Those education institutions that involve private sector employers in a meaningful way in organizing programs and curricula recognize that the relationship is invaluable. To these professionals there will be little change in their methods of operation. This new law, however, will now provide funding and an administrative mechanism for strenghtening the partnership between education and the private sector.

The education linkages contained in the Job Training Partnership Act are numerous. In fact, the entire act is based upon the need to prepare youth and unskilled adults for entry into the labor force and to provide job training to those economically disadvantaged individuals who need and want such training. This is vocational education, and is historically the role that vocational education has provided for all individuals in the community, not only the economically disadvantaged.

However, to specifically highlight the education linkages in PL 97-300, the following chart is appropriate. It excerpts specific connections in the new law and relates them to education agencies and institutions.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW

1.

ESTABLISHMENT OF PRIVATE INDUSTRY COUNCIL

SEC. 102. (a) There shall be a private industry council for every service delivery area established under section 101, to be selected in accordance with this subsection. Each council shall consist of—

(1) representatives of the private sector, who shall constitute a majority of the membership of the council and who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility; and

(2) representatives of educational agencies (representative of all educational agencies in the service delivery area), organized labor, rehabilitation agencies, community-based organizations, economic development agencies, and the public employment service. . . . .

(2) Education representatives on the council shall be selected from among individuals nominated by local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies or institutions, and by private and proprietary schools or general organizations of such schools, within the service delivery area.

2.

JOB TRAINING PLAN

SEC. 104. (a) No funds appropriated for any fiscal year may be provided to any service delivery area under this Act except pursuant to a job training plan for two program years which is prepared in accordance with section 103 and which meets the requirements of this section.

(b) Each job training plan shall contain—

(1) identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

(2) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

(3) procedures for identifying and selecting participants and for eligibility determination and verification;

COMMENTS

The new law requires educational agency representation on the Private Industry Council. The language practically mandates collaboration at the local level among all education agencies to nominate representatives who will serve on the PIC. Leadership to organize the education community will be key.

The job training plan will provide an umbrella for all education agencies and institutions to deliver education and training for the disadvantaged client. Education should be involved in the development of the plan and should provide very early, a description and evaluation of available services and programs.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW

3. ***REVIEW AND APPROVAL OF PLAN***

SEC. 105. (a)(1) Not less than 120 days before the beginning of the first of the two program years covered by the job training plan—

(A) the proposed plan or summary thereof shall be published; and

(B) such plan shall be made available for review and comment to—

(i) each house of the State legislature for appropriate referral;

(ii) appropriate local educational and other public agencies in the service delivery area; and

PERFORMANCE STANDARDS

4. ***SEC. 106.***

(b)(1) The basic measure of performance for adult training programs under title II is the increase in employment and earnings and the reductions in welfare dependency resulting from participation in the program. In order to determine whether these basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include (A) placement in unsubsidized employment, (B) retention in unsubsidized employment, (C) the increase in earnings, including hourly wages, and (D) reduction in the number of individuals and families receiving cash welfare payments and the amounts of such payments. . . . .

(2) In prescribing standards under this section the Secretary shall also designate factors for evaluating the performance of youth programs which, in addition to appropriate utilization of the factors described in paragraph (1), shall be (A) attainment of recognized employment competencies recognized by the private industry council, (B) elementary, secondary, and postsecondary school completion, or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces.

COMMENTS

Review and comment on the local plan will provide an opportunity to dissuade duplicative and/or nonproductive efforts.

While the Secretary establishes performance standards it is incumbent upon the education agencies and institutions to communicate the "in place" standards for programs and emphasize those applicable to vocational education for youth and adults.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW

SELECTION OF SERVICE PROVIDERS

5. *SEC. 107. (a) The primary consideration in selecting agencies or organizations to deliver services within a service delivery area shall be the effectiveness of the agency or organization in delivering comparable or related services based on demonstrated performance, in terms of the likelihood of meeting performance goals, cost, quality of training, and characteristics of participants. In complying with this subsection, proper consideration shall be given to community-based organizations as service providers.*

(b) Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve the service delivery area's performance goals.

(c) Appropriate education agencies in the service delivery area shall be provided the opportunity to provide educational services, unless the administrative entity demonstrates that alternative agencies or organizations would be more effective or would have greater potential to enhance the participants' continued occupational and career growth.

(d) The administrative entity shall not fund any occupational skills training program unless the level of skills provided in the program are in accordance with guidelines established by the private industry council.

LIMITATION ON CERTAIN COSTS

6. *SEC. 108. . . .*

(3) Expenditures may be made in excess of the limitation contained in subsection (b) if the need for and the amount of the excess is stated in the job training plan (or modification thereof) for the service delivery area and such plan demonstrates that administrative costs comply with subsection (a) of this section.

(4) The provisions of this subsection shall not be available to the extent that supportive services provided under the job training plan duplicate services provided by any other public or private source that are available to participants without cost.

COMMENTS

It is clearly the intent of Congress to utilize existing education agencies and institutions where they demonstrate effectiveness. The non-duplication provision can be one of the strongest provisions of the law in assuring the utilization of education agencies and institutions. It will, however, be incumbent upon these educational agencies and institutions to indicate interest in providing training and educational services.

When limiting the administrative and support services to 30% of the total funds, Congress realized that exceptions may be needed. However, the provision that these exceptions shall not apply if it will duplicate services provided by other public or private agencies or institutions is especially noteworthy for education.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW

7. *GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN*

SEC. 121. (a)(1) The Governor shall annually prepare a statement of goals and objectives for job training and placement programs within the State to assist in the preparation of the plans required under section 104 of this Act and section 7(a) of the Act of June 6, 1933 (known as the Wagner-Peyser Act). . . .

(b)(1) The plan shall establish criteria for coordinating activities under this Act (including title III) with programs and services provided by State and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, postsecondary institutions, economic development agencies, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State. Such criteria shall not affect local discretion concerning the selection of eligible participants or service providers in accordance with the provisions of sections 107 and 203.

8. *STATE JOB TRAINING COORDINATING COUNCIL*

SEC. 122. (a)(1) Any State which desires to receive financial assistance under this Act shall establish a State job training coordinating council (hereinafter in this section referred to as the "State council"). Funding for the council shall be provided pursuant to section 202(b)(4). . . .

(3) The State council shall be composed as follows:

(A) One third of the membership of the State council shall be representatives of business and industry (including agriculture, where appropriate) in the State, including individuals who are representatives of business and industry on private industry councils in the State.

(B) Not less than 20 percent of the membership of the State council shall be representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State advisory council on vocational education, the State board of education (when not otherwise represented), State public assistance agencies, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, State veterans' affairs agencies or equivalent, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State.

COMMENTS

The state coordination and special services plan must be closely linked to and coordinated with the state plan for vocational education. Initiative for this coordination should come from the State Board for Vocational Education.

Membership on the State Job Training Coordinating Council will be significant to education's involvement in the job training programs. While the decision will be made by the Governor, the law clearly intends for the representatives of state education agencies and state vocational education boards, as well as, state vocational education advisory councils to be represented on the council.

Congress intended for this state council and the State Board for Vocational Education to work together and the State Job Training Coordinating Council must certify that their plan is consistent with other plans such as the state plan for vocational education.

CONNECTIONS IN LAW

COMMENTS

8. (Continued)

(8) For purposes of section 105 of the Vocational Education Act of 1963, the State council shall be considered to be the same as either the State Manpower Services Council referred to in that section or the State Employment and Training Council authorized under the Comprehensive Employment and Training Act. . . . .

(b) The State council shall—

(1) recommend a Governor's coordination and special services plan;

(2) recommend to the Governor substate service delivery areas, plan resource allocations not subject to section 202(a), provide management guidance and review for all programs in the State, develop appropriate linkages with other programs, coordinate activities with private industry councils, and develop the State job training report and recommend variations in performance standards;

(3) advise the Governor and local entities on job training plans and certify the consistency of such plans with criteria under the Governor's coordination and special services plan for coordination of activities under this Act with other Federal, State, and local employment-related programs, including programs operated in designated enterprise zones; . . . .

ments as it deems advisable to assist service delivery areas in carrying out the purposes of this Act;

(7)(A) identify, in coordination with the appropriate State agencies, the employment and training and vocational education needs throughout the State, and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other Federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment at least once annually on the reports required pursuant to section 105(d)(3) of the Vocational Education Act of 1963; and

(8) review plans of all State agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate Federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the State.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW

9.

STATE EDUCATION COORDINATION AND GRANTS

SEC. 123. (a) The sums available for this section pursuant to section 202(b)(1) shall be used by the Governor to provide financial assistance to any State education agency responsible for education and training—

(1) to provide services for eligible participants through cooperative agreements between such State education agency or agencies, administrative entities in service delivery areas in the State, and (where appropriate) local educational agencies; and

(2) to facilitate coordination of education and training services for eligible participants through such cooperative agreements.

(b) The cooperative agreements described in subsection (a) shall provide for the contribution by the State agency or agencies, and the local educational agency (if any), of a total amount equal to the amount provided, pursuant to subsection (a)(1), in the grant subject to such agreement. Such matching amount shall not be provided from funds available under this Act, but may include the direct cost of employment or training services provided by State or local programs.

(c)(1) Funds available under this section may be used to provide education and training, including vocational education services and related services to participants under title II. Such services may include services for offenders and other individuals whom the Governor determines require special assistance.

(2)(A) Not more than 20 percent of the funds available under this section may be spent for activities described in clause (2) of subsection (a).

(B) At least 80 percent of the funds available under this section shall be used for clause (1) of subsection (a) for the Federal share of the cost of carrying out activities described in clause (1). For the purpose of this subparagraph, the Federal share shall be the amount provided for in the cooperative agreements in subsection (b).

(3) Not less than 75 percent of the funds available for activities under clause (1) of subsection (a) shall be expended for activities for economically disadvantaged individuals.

(d) If no cooperative agreement is reached on the use of funds under this section, the funds shall be available to the Governor for use in accordance with section 121.

COMMENTS

The 8% set-aside which goes to any state education agency responsible for education and training will act as an incentive for the total education community to serve the disadvantaged client. The potential this 8% set-aside has is far greater than operating programs within the limits of these funds. This 8% should be utilized as a catalyst to activate education involvement, through the local Private Industry Council, in all areas of programs under this act.

It is clearly the intent of Congress that the Governor allocate these funds to an education agency responsible for education and training. Other state agencies are not eligible for these funds.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW	COMMENTS
10. *STATE LABOR MARKET INFORMATION PROGRAMS* *SEC. 125. (a) In order to be eligible for Federal financial assistance for State labor market information programs under this Act from funds made available under section 202(b)(4), the Governor shall designate the State occupational information coordinating committee or other organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, which shall— . . . .* *(b)(1) The analysis required under clause (2) of subsection (a) shall be used to contribute in carrying out the provisions of this Act, the Vocational Education Act of 1963, and the Act of June 6, 1933, known as the Wagner-Peyser Act.*	Congress recognized the need for state labor market information programs and clearly implied the use of existing State Occupational Informational Coordinating Committees. If the SOICC is not used the duplication of effort should be seriously questioned.
11. *AUTHORITY OF STATE LEGISLATURE* *SEC. 126. Nothing in this Act shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this Act, of the programs assisted under this Act.*	Since most states have authorizing legislation for vocational education this section could be the basis for future state legislation relating to all job training programs.
12. *PART C—PROGRAM REQUIREMENT FOR SERVICE DELIVERY SYSTEM* *GENERAL PROGRAM REQUIREMENTS* *SEC. 141 . . . .* *(b) Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds. . . . .* *(h) Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless the plan establishes that alternative services or facilities would be more effective or more likely to achieve performance goals.*	Congress clearly intended that all education programs funded under this new act would be in accordance with and consistent with state and local education standards. It is also clear that funds under this act shall not be used to duplicate facilities or education programs at the local and state level. It is incumbent upon educators to communicate the applicable state and local educational standards regarding all programs to the State Job Training Coordinating Council and to the Private Industry Council. Priority should be given to informing these councils of the capability of local education agencies and institutions to effectively deliver services to clientele under this act.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW

12. (Continued)

(o)(1) All education programs for youth supported with funds provided under title II shall be consistent with applicable State and local educational standards.

(2) Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under such title shall be consistent with the requirements of applicable State and local law and regulation.

13. PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 145. No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

14. *TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED*

PART A—ADULT AND YOUTH PROGRAMS

USE OF FUNDS

SEC. 204. Services which may be made available to youth and adults with funds provided under this title may include, but need not be limited to— . . . .

COMMENTS

The primary purpose of the act is to provide for education and training for disadvantaged youth and adults. One major component of these programs is in Title II. Practically every eligible use of funds listed in the act is education or education related.

CONNECTIONS IN LAW	COMMENTS
14. (Continued) ***EXEMPLARY YOUTH PROGRAMS*** ***SEC. 205. (a) In addition to the services for youth which may be available in accordance with section 204, the job training plan may, at the option of those responsible for its preparation, elect to include one or more of the exemplary youth programs described in subsections (b) through (e) of this section, each of which may modified by the plan to accommodate local conditions.*** ***(b)(1) The job training plan may provide for the conduct of an "education for employment program" for eligible youth who have not attained a high school diploma or who have educational deficiencies despite the attainment of a diploma, with priority given to high school dropouts. . . . .*** ***(4) For purposes of this section, priority shall be given in the selection of service providers to previously funded in-school and community based organization projects which are both cost-effective and of demonstrated success, and which otherwise meet criteria under this Act.***	It is clearly the intent of Congress to fund those service providers who have been actively involved and doing a credible job with exemplary youth programs.
PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS	The summer youth employment and training programs are also primarily educational in nature. Education agencies and institutions should be actively involved in provision of services under this part of Title II.
15. *TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS* ***SEC. 304. (a)(1) In order to qualify for financial assistance under this title, a State shall demonstrate, to the satisfaction of the Secretary, that it will expend for purposes of services assisted under this title, an amount from public or private non-Federal sources equal to the amount made available to that State under section 301(b). . . . .*** ***(b)(1) Such non-Federal matching funds shall include the direct cost of employment or training services under this title provided by State or local programs (such as vocational education), private non-profit organizations, or private for-profit employers.***	The provision of training services to dislocated workers under Title III is of interest to vocational and technical education institutions. These are the agencies and institutions most capable of providing state or local program match.

EDUCATION LINKAGES CONTAINED IN THE JOB TRAINING PARTNERSHIP ACT (PL 97-300)

CONNECTIONS IN LAW	COMMENTS
16. *TITLE IV—FEDERALLY ADMINISTERED PROGRAMS* *JOB CORPS CENTERS* *SEC. 427. (a)(1) The Secretary may make agreements with Federal, State, or local agencies, including a State board or agency designated pursuant to section 104(a)(1) of the Vocational Education Act of 1963 which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations for the establishment and operation of Job Corps centers. Job Corps centers may, subject to paragraph (2), be residential or nonresidential in character, or both,*	This law authorizes the state board for vocational education to develop vocational education facilities as Job Corp centers. Since the Job Corp is a federally administered program there is an obvious linkage with the Department of Labor. •
PART E—LABOR MARKET INFORMATION *SEC. 461.* *(c) Notwithstanding any other provision of law, funds available to other Federal agencies for carrying out chapter 35 of title 44, United States Code, the Vocational Education Act of 1963, and the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act), may be made available by the head of each such agency to assist in carrying out the provisions of this part.*	The new law links with the Vocational Education Act in the area of labor market information and providing for the National Occupational Information Coordinating Committee. Education's link to an involvement in the information system both at the state and national level will be critical to the future of education in these programs.
NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE *SEC. 464.* *(b) In addition to its responsibilities under the Vocational Education Act of 1963, the National Occupational Information Coordinating Committee shall—*	

STRATEGIES FOR STATE LEVEL GROUPS TO USE IN IMPLEMENTING THE JOB TRAINING PARTNERSHIP ACT

AUTHOR

BYRL SHOEMAKER

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

STRATEGIES FOR STATE LEVEL GROUPS

TO USE

IN IMPLEMENTING THE JOB TRAINING PARTNERSHIP ACT

A. Points of Reference.

Persons administering vocational and technical education programs at the state level must give immediate and long term attention to the possibilities to expand training opportunities under the Job Training Partnership Act (JTPA). The JTPA provides annually four to five times the amount of money available to the states under the Vocational Education Amendments of 1976. The JTPA Act is significantly different from the CETA legislation in that the new act is focused upon training rather than income maintenance. It provides great opportunities for expanding training programs for both economically disadvantaged persons and dislocated workers.

Some initial understanding will help as you establish strategies for coordinating vocational training efforts at the State level involving State vocational funds appropriated to vocational education, Federal vocational funds under Vocational Education Amendments of 1976 and the funds made available under the JTPA.

* The Governor is given more responsibility under the act with more authority. The local service delivery areas however, may appeal decisions of the Governor to the U.S. Secretary of Labor on the basis of the letter of the law.

* The Governor, upon request, must approve as a service delivery area:

(1) A unit of local government of 200,000 or more

(2) Any consortium of contiguous units of general local government of 200,000 or more

(3) Any concentrated employment program grantee for a rural area which served as a prime sponsor under CETA.

* Performance standards will be established for all train- programs. Such performance standards, in the case of youth, may relate to acheivements other than placement in unsubsidized employment.

* Services of programs under title II are available only to youth and adults who meet the standards of economic need except for:

(1) The ten percent variance allowed

(2) Fourteen and 15 year olds under the summer youth programs

* The State board for vocational education is an eligible recipient of the 8% of the funds alloted by law to "any State education agency responsible for education and training". (Sec.123 (a) S-2036)

* Eighty percent of the 8% of Federal funds available to a State education agency must be matched at the state or local level. There is no prohibition under this section from using Federal vocational funds for matching.

* The other twenty percent of the 8% federal funds allocated to a state educational agency may be spent to "facilitate coordination of education and training services".(Sec.123 (a) (2),S-2036) No mention is made of the use of such funds for administrative costs.

* Funds under Title III may be used for the training of dislocated workers who do not meet the criteria of economically disadvantaged persons.

* Title III funds must be matched 50-50 by state or local funds. Federal funds can be used for matching only when the Federal law specifically permits the use of such funds for matching. The Vocational Educational Amendments of 1976 (PL 94-482) do not include such permissive language. Title III funds must be matched by State or local money and in-kind expenditures that may be counted are identified. Matching funds required for a state are reduced 10% for each 1% the average unemployment in a State exceeds the national unemployment rate (Regulations Sec. 629.42).

* Cost sharing or matching contributions for title III include:

(1) Depreciation and use charges for buildings and equipment

(2) Donations of cash

(3) Donated services and real or personal property

(4) Federal funds <u>if law approves</u>

(5) Specifically for title III
   (a) Direct costs of employment and training activities and services by State or local
   (b) <u>Unemployment compensation paid from state funds to</u> enrollees, up to 50% of matching requirements.

* Service delivery areas may have three units involved in planning, administration, and evaluation: grant recipient; PIC; and program administrator. The program administrator and grant recipient may be the same agency.

The above list does not include all of the items of concern to a state agency giving leadership to vocational and technical education but represent some items of particular and immediate concern.

B. Recommended Strategies.

1. Every effort should be made by the State agency administering Federal vocational education funds under PL 94-482 to have a member on the State Job Training Coordinating Council (SJTCC).

This council is appointed by the Governor. The law mentions the State vocational education board as a possible member but does not require the appointment of a person from that board to the council. (Sec.122 (a)(3)(B),S-2036) It is imperative,therefore, that contact be made with the Governor to assure that a representative of the State vocational education board is appointed to the council.

The SJTCC has broad responsibilities in: recommending the organization plan for the service delivery areas; the requirements and guidelines for the local plans; the preparation of the state plan; coordination of agencies in the state related to training; and the Governor may transfer to this council the functions of any advisory council established under the Wagner-Peyser Act. (Sec.122,S-2036)

2. The State leadership for the State vocational education board should encourage local vocational technical education agencies to have a member on the private industry council in each service delivery areas established in the state.

The Governor may through leadership restrict the number of service delivery areas (SDA) established in a State but the law permits any political subdivision or combination of political subdivisions of 200,000 or more to demand the Governor's approval for a service delivery area.

The law requires a private industry council (PIC) for each SDA and requires the inclusion of representatives of educational agencies on the council. Vocational education institutions are mentioned as institutions which may nominate persons to serve on the council. (Sec.102(c)(2),S-2036). The members of the initial PIC are appointed by a local elected official or officials. After the initial appointments, the membership on the PIC is determined by the council itself.

The local PIC council will be the only official unit that can have representatives from local vocational education institutions as official members. Locally the PIC and the elected official(s) share responsibilities for: plan development; selection of the entity to administer the job plan.(Sec.103,S2036)

3. <u>The state board for Vocational Education should make a formal request to both the State Job Training Coordinating Council (SJTCC) and the Governor for the eight percent of the JTPA funds to be allocated to a State educational agency</u>.

The JTPA does not identify the state educational agency to which eight percent of the funds allocated to the state under title II are to be allocated. Monies allocated to SDAs or educational agencies in SDAs from this 8% Federal allotment must be matched at the state or local level. The law states "Such matching amount shall not be provided from funds under this act ----" (Sec. 123 (b), S-2036) but does not state a prohibition against using other federal funds for matching, as is the case for title III of the act.

The JTPA requires that 80% of these funds must be spent for training through cooperative agreements. No language is included in the section dealing with the 20% that indicates it can be used for administration costs at the state level. It will be necessary for the Governor to specify in the state plan/the use of allocation/pro-/ for administrative services vided to "facilitate coordination of education and training services for eligible recipients ---" (Sec. 123 (a),(2), S-2036) for consideration by the Secretary of Labor.

The other alternative for administration funds for the educational agency administering the 8% funds is an allocation from the 5% of Title II funds provided to the Governor for administration costs.

3a (Alternate strategy for administration of 8% funds alloted to an educational agency within a state.)

The 8% funds alloted by law to an educational agency could be retained by the Governor and allocated as provided for in the State Plan in dooperation with the State board for vocational education.

The law provides that if no cooperative agreements are reached on the matching of the 8% funds by state or local educational agencies, the funds shall be available to the Governor for use in accordance with sec. 121 of the act.(Sec. 123 (d), S-2036) Section 121 of the act specifies the coordination and special services plan submitted by the Governor shall establish criteria for coordinating activities with "- programs and services provided by State and local education and training agencies (including vocational education agencies) -". This section of the act further specifies the Governors coordination and special services activities may include ten separate type of activities. Two of

the ten areas are: (Section 121 (c), S-2036)

"(6) Industry wide training;

(7) Activities under title III of the act."

The plan could be written to provide a major role for the State board for vocational education in administering or coordinating the program development, approval and evaluation of all of the training activities coming under the jurisdiction of the Governor. Title III programs for dislocated workers may be approved from the state level. The JTPA does not require the title III funds to be allocated to the SDAs.

4. Funds provided by title III of the JTPA should be coordinated with new and expanding industry and productivity improvement programs now organized in the individual states.

A recent survey of fourteen States by AVA indicate that a number of States have initiated special vocational and technical programs to train:

(1) Recently unemployed persons.

(2) Employees needed for new or expanding industries.

(3) Persons employed in industries that must improve productivity in order to stay in business.

The survey also reported that most of the States had appropriated State dollars for these purposes because Federal vocational funds under PL 94-482 were inadequate to meet the economic challenges of the day. Further, CETA funds were limited to persons who meet the economic disadvantaged regulations.

It is probable that funds under title III, S-2036, can be used for the above listed training programs with the matching provided by State funds now available for these programs.

It is also possible that overmatching funds appropriated at the state level for vocational adult programs can be used for matching of title III funds under the JTPA. The present efforts and leadership of the State boards for vocational education in the training of adults for employment must be made clear to the Governor and the State Job Training Coordinating Council. The JTPA act calls for coordinating activities under the act with programs and services provided by State and local education and training agencies, (Sec. 121 (b) (1), S-2036) Bold and prompt action of such state and local agencies will be necessary, however, as frantic efforts are made to prepare plans for the new act.

5. The State board for vocational education should encourage the State Agency managing the unemployment insurance fund in the state to approve the enrollment of unemployed persons drawing unemployment insurance in training programs.

The federal law was amended in 1970 to state "compensation shall not be denied to an individual for any week because he is in training with approval of the State agency." Every State agency governing unemployment insurance can establish regulations that would permit unemployed persons who are drawing unemployment insurance to participate in approved training programs. The responsibility for approving the training programs could be given to the State Board for vocational education. Restrictions could be established by the State agency for unemployment insurance governing the scope of the training activity such as:

* Training is limited to skill training for unsubsidized employment.

* Training must be for a job for which there is an identifiable demand.

Under title III, S-2036, benefits paid from state unemployment insurance funds to an eligible person enrolled in training or retraining "-- may be credited for up to 50% of the funds required to be expended from non-Federal sources or required by this section." (Sec. 304 (3) (b) (2), S-2036).

With the exception of statewide or industry wide training programs, the local PIC and chief elected official or officials must have 30 days to comment before a program is established under Title III in their SDA.

6. Any state affected by massive layoffs, natural disasters, relocation of Federal facilities, or areas of high unemployment should request at the state or local level, assistance from the 25% of title III, S-2036, held by the Secretary of Labor.

Criteria will be established by the Secretary of Labor for the awarding of such funds and procedures for submitting applications (Sec. 301 (c), S-2036).

The funds alloted by the Secretary may be used for any or all purposes authorized for title III, S-2036 funds.

7. The State board for vocational education should use funds made available under the present CETA act for planning for JTPA or request additional planning funds from the Governors grant under CETA.

The JPTA permits the use of
/ CETA funds for planning of activities for the new act. (Sec. 181 (c) (3), S-2036) Such planning funds could be used for the meeting recommended in the next strategy.

8. A conference should be held at the earliest date possible, involving the State leadership of the State board for vocational education and the local leaders and planners for vocational and technical education, to review the opportunities under JTPA and their responsibilities in the planning and delivery system at the local level.

Forty percent of the funds available under title II, S-2036, must be spent on youth. Seventy percent of all of the funds must be spent on training, unless a local plan can justify more than 30% expenditure for administration and support services. This is a training act, and public vocational and technical education has the best and most economical delivery system for vocational education.

No part of the JTPA, however, requires that public vocational and technical education at either the State level or local level be used effectively for the delivery of training services. Legislative history in congress would suggest that priority use of existing public vocational and technical education facilities and services was encouraged, but not written into law or regulations.

Prompt action on the part of State and local leaders in vocational education is essential if the development of a separate delivery system is to be averted.

It is essential that a leadership representative from the State board of vocational education be appointed to the JTCC and that representatives from vocational and technical education institutions at the local level be selected as members of the PICs.

The scope of the opportunities for training and remedial education services is broad. Standards of performance recognize educational achievement as well as placement in employment. The scope of the use of funds for title II, S-2036, should be studied in detail and communicated quickly and effectively to leaders in public vocational and technical education. (Sec. 204, S-2036)

9. Provisions for exemplary youth programs should be written into every state and local plan.

Exemplary youth programs authorized by S-2036 may be written in to state and local plans but are not required to be in the plans. It will be the responsibility of the State JTCC and the local PIC to include the programs in the plans at the state and local level. (Sec. 205, S-2036) The plan requirements sent from the Governor to the SDA planning units could require the inclusion of exemplary youth programs in the local plans.

A broad pattern of services to eligible youth are possible under the exemplary youth programs. This section of the law will be of great value in major cities with a high concentration of economically deprived youth.

10. Any State with two or more major cities with high concentrations of youth and adult unemployment should bring local vocational and, if possible, PIC leadership together at the State level to study the special implication of S-2036 for such cities.

11. Funds available for the summer youth and employment training programs could be used to assist 14 and 15 year old youth who need remedial education to prepare for entrance into vocational education in the fall.

Part B, Sec. 251, of title II, S-2036, provides for summer youth employment training programs. This is the only section of title II that permits services, outside the 10% variance approved, for 14 and 15 year old youth who do not meet the economically disadvantaged requirement. (Sec. 253 (c)) In SDAs where there are concentrations of youth who have indicated intent to enroll in vocational education but are deficient in basic skills of reading, writing and arithmetic, summer youth employment training programs could improve these skills.

12. States that have a large number of Native Americans, and/or migrant and seasonal farmworkers should encourage local areas with such concentrations to apply to the Secretary of Labor for approval of funding for training programs to serve such workers.

Title IV, S-2036 provides funds to the Secretary of Labor for training services for these special groups only upon application for funding for a special project. (Sec. 401 and 402, S-2036)

13. States with concentrations of youth eligible for the job corp or major cities which have within their district and surrounding district sufficient youth eligible for the job corp, should make application under title IV part B for the funding necessary to operate a job corp center.

Under title IV part B sec. 427 the Secretary of Labor may make agreements with Federal, State or local agency, including a State board or agency designated pursuant to section 104 (a) (1) of the Vocational Education Act of 1963, for the establishment and operation of a job corp center. Such centers may be residential or non-residential or both. Civilian Conservation Centers can qualify.

With the reduction of youth enrollment in high school, vocational facilities in major cities or in area vocational schools may be available to establish such job corp centers under state or local educational leadership.

14. States which have a surplus of unemployed persons who must be trained for employment in other states should apply to the Secretary of Labor for funding for such training under Title IV Part D(Sec. 451 (b) (2), S-2036).

15. States with needs for pilot projects for handicapped or displaced homemakers should apply to the Secretary of Labor for approval of each project under title IV Part D Sec. 453.

Applications may be from the state or local level but the state leadership should accept the responsibility of notifying areas of need at the local level.

16. The state occupational information coordinating committee should make application to the Governor to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply system.

S-2036 authorizes the Governor to assign this responsibility to the present SOICC or any other organizational unit. (Sec.125 (a) S-2036) Additional sections of the act call for increased efforts to improve labor market information at the State and National levels. (Title IV Part E Sec. 461 thru 465, S-2036)

17. The leadership for the vocational youth groups at the State and National levels must determine the opportunities for job clubs and other services related to such organizations that can be supported under S-2036.

A colloquy on the floor of the House of Representatives between Representatives Jefferds and Perkins indicated that "the permissable type of job activities in this bill include vocational student organizations". It must be remembered that,except for youth summer programs for 14 and 15 year olds, and the 10% variance, all persons served under the act must meet the economically disadvantaged requirement.

STRATEGIES FOR LOCAL GROUPS AND INDIVIDUALS TO USE IN ENHANCING EDUCATION'S ROLE IN DELIVERY OF SERVICE

AUTHOR

WILLIAM C. KNAAK

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

THE JOB TRAINING PARTNERSHIP ACT

"STRATEGIES FOR LOCAL GROUPS AND INDIVIDUALS TO USE IN ENHANCING EDUCATION'S ROLE IN DELIVERY OF SERVICE"

BY: W. C. KNAAK

On October 1, 1983, the training structures under the Comprehensive Employment and Training Act (CETA) will cease to exist, and the new Job Training Partnership Act (JTPA) will be implemented. Between now and then local and state government, private industry, education and community based organizations will be gearing up to assume their roles in the design and delivery of employment and training services.

Local vocational educators should be aware that the JTPA represents a major shift in the structure for the delivery of training services for unemployed and disadvantaged youth and adults. This is not merely a rearrangement of the furniture. This is a significantly new approach.

A major thrust of the new act is the idea of a partnership between the public and private sectors. The emphasis is on local control, with the federal role narrowly defined. The private sector has been given a decisive role in planning and implementing local training programs.

The JTPA is intended to be viewed as a training program and not as a vehicle to provide income or subsidized employment. Seventy cents of every dollar will be used to provide training.

The ending of CETA on October 1 will also bring to conclusion the present prime sponsors and private industry councils. Prime sponsors are being replaced by new regions called Service Delivery Areas ((SDAs). SDAs must have a population base of 200,000 or more people, unless qualifying in another mode, and one or more units of local government.

Involvement of Local Vocational Educators

The JTPA offers new opportunities for business, local government, and education to plan for training their less fortunate citizens. Now is the time to understand those opportunities, to negotiate roles, to strategize, and perhaps most importantly, to become involved.

Governor's State Job Training Coordinating Council (SJTCC):

One of the first actions at the state level is for the Governor to appoint a State Job Training Coordinating Council to replace the current State Employment and Training Council as the advisory body to the Governor. This Council is an important body because it will designate the Service Delivery Areas. Local vocational educators can provide nominations to the Governor for appointments to the SJTCC. These nominations usually should come from people from the Governor's political party on behalf of people from the Governor's political party. Of particular importance on the SJTCC are the slots designated for business and industry representatives. People from business and industry who have a known supportive attitude toward local vocational education programs, and who are active in the Governor's political party make excellent nominees. It is also very advantageous if vocational educators in the state can unite their efforts behind a few nominees for the Council. Timing on the nominations is critical at this point, because most of the appointments in most states will be made in January.

Development of Service Delivery Areas:

There is an application process to identify the Service Delivery Areas (SDAs). SDAs will typically be comprised in one of the following ways:

1. A unit of general local government with a population of 200,000 or more;
2. A consortium of contiguous units of general local government with an aggregate population of 200,000 or more which serves a substantial part of a labor market area.
3. A concentrated employment program grantee for a rural area which served as a prime sponsor under CETA.
4. A unit of local government or consortium of local governments of less that 200,000 population which serve a substantial portion of a labor market area, which is consistent with areas in which related services are provided under other State or Federal Programs.

The previous units under prime sponsors, and private industry councils will be folded into the new SDAs. Many of the previous units may not be eligible to be SDAs because of small size, and others may lose out in the political process. There will likely be a scramble developing among units of local government, prime sponsors, private industry councils, business organizations such as the chamber of commerce, and educators, about the formation of the petitions to become SDAs. Local vocational educators can become active as individuals in the process, and attempt to encourage the development of SDAs in a context where local vocational education programs can make the most effective contribution to the training process.

Petitions may be submitted to the Governor in late January and February. The Governor, upon recommendation of the SJTCC is required to publish the proposed SDAs, and to accept testimony regarding proposed changes. Final

SDA designations will likely be made in late February.

Designation of Appointees to Private Industry Councils:

After the SDAs are designated, each SDA can submit nominations for positions on the new Private Industry Councils (PICs) which will be the managing body for the SDA. These nominations must equal 150% of the available positions. Local vocational educators can take an active role in this nomination process. The law provides for some of the slots to be filled by educators, and appropriate nominations of informed, articulate persons should be made. However, it is at least equally important that private sector nominations include people who are knowledgeable about and supportive of local vocationl education programs. Local advisory committee members usually make excellent candidates. Prior activity in the work of the Governor's political party may also be a useful factor in gaining the appointment. At least 51% of the PIC membership is required to be from the private sector, and the chairperson will be from the private sector. Half of the private sector's 51% must be designated from small or minority-controlled businesses.

The PIC Organizes, and Convenes:

Sometime after the PIC is certified by the Governor, probably in April, 1983, the PIC membership and the local officials will meet to negotiate an operating agreement which will define the partnership roles.

Once established, the PIC has independent authority to determine its size and structure, hire staff, elect the chair from the private sector, and to solicit funds from public and private sources.

The PIC and local officials must also develop and approve a job training

plan. The PIC and local officials will jointly submit the plan to the Governor. If the PIC and local officials do not agree on the plan, mediation by the state is authorized. Agreement is also needed to determine the entity which will administer the plan, and be the grant recipient for the local job training funds.

Training plans submission will probably occur in late July or early Augues, with approval of the Governor occuring in early September. This would enable training to start on October 1, 1983, so that there need not be a time gap after the end of CETA.

Preparation for the Delivery of Vocational Training Services:

Concurrent with the planning and political work on the SJTCC and PICs, local vocational educators and vocational training institutions that want to be service providers should begin to "package" training programs to meet training needs. PICs will be making decisions about whether to set up and run their own programs or to contract out through "Requests for Proposals" (RFPs). Whatever the nature of the local education agency, it would be appropriate to start preparing in advance. Service providers could include: area vocational institutes, secondary vocational education in conprehensive high schools, community colleges, community action programs, adult vocational education programs, Working Opportunities for Women, Urban League, Chamber of Commerce, and private industry programs, among others.

It is the intent of the Congress to utilize educational and training systems that are in place, but if existing systems do not give evidence of meeting current needs, or have a poor track record for up-to-date training and

placement, this will not take place. The "package" could include some of the following components:

1. "Kinds" of training to be offered, such as:
   - 1.1 How to learn
   - 1.2 Applied basic skills
   - 1.3 Occupational, skill-specific training
   - 1.4 Job seeking, job keeping training including club-type activities
   - 1.5 Counseling, assessment, and placement assistance
2. Financial "packages"
   - 2.1 How to "fold in" living cost assistance to students from other local, state, and federal grants, loans, and scholarships (JTPA does not provide for living costs for students as such.)
   - 2.2 Calculate how state, local and private funds can be used in partnership with JTPA funds to obtain the maximum training impact from the new federal act.
   - 2.3 Be able to provide specific cost date to the PIC for the training to be provided by the local agency.
3. Management aspects of the training programs
   - 3.1 The Congressional intent is to keep administrative costs to a minimum
   - 3.2 Training programs need to be very flexible at all levels. This means being able to start students at their current competency level and train them to a pre-determined job entry level. There are strong implications in the act for the need for programs that are job-competency based, permit

student self-pacing, and focus on a mastery approach to learning. (Mastery means nearly all students attain the job entry skill requirements, including basic skills.)

3.3 There is a need for collecting and documenting local labor market information. Local vocational educators can write research grant requests, and obtain funding for these labor market studies from funds currently available in the existing PICs.

4. Target populations to be served

4.1 School leavers and dropouts

4.2 Chronically unemployed

4.3 Unemployed, displaced homemakers

4.4 Older unemployed

4.5 Native American populations

4.6 Migrant and seasonal farm workers

4.7 Dislocated workers

4.8 Other groups targeted in the Act

Summary

The Congress has opted to focus major resources (as compared to the current authorizations for the vocational education act) on training for the unemployed. They are giving specific attention to the disadvantaged unemployed.

If the vocational education act is re-authorized next year, and if it follows the re-authorization pattern that occurred after the passage of the Manpower Development and Training Act of the 1960s, the new vocational act may also embody many of the principles of JTPA.

Hence, it is incumbent on vocational educators to participate to the fullest extent in the JTPA organizational and planning process to assure appropriate consideration of programs and services that vocational education has to offer.

It is also important for vocational educators to look seriously at current delivery systems to see if they are sufficiently current and flexible to meet the new training needs. Vocational institutions and instructional programs that do not presently have delivery systems consistent with new and more diverse client populations should look toward ways and means to develop such programs.

To fail to do so is to accelerate the departure of vocational education from the mainstream of training for employment in this country.

INCREASED OPPORTUNITIES
THROUGH THE
JOB TRAINING PARTNERSHIP ACT
OF
1982
IMPLICATIONS FOR VOCATIONAL EDUCATION

AUTHORS

MARGUERITE B. HUBBS

JOHN W. SCHELL

MICHAEL J. DYRENFURTH

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

INCREASED OPPORTUNITIES THROUGH THE JOB TRAINING PARTNERSHIP ACT OF 1982: IMPLICATIONS FOR VOCATIONAL EDUCATION

Prepared by

Marguerite B. Hubbs
John W. Schell
Michael J. Dyrenfurth

of the

Department of Practical Arts and
Vocational Technical Education
University of Missouri - Columbia
Columbia, Missouri 65211

for the

American Vocational Association
2020 North 14th Street
Arlington, VA 22201

Regional Conferences

Las Vegas, Nevada
Dallas, Texas
Washington, D.C.

December, 1982

INCREASED OPPORTUNITIES THROUGH THE JOB TRAINING PARTNERSHIP ACT OF 1982: IMPLICATIONS FOR VOCATIONAL EDUCATION

The major emphasis of the Jobs Training Partnership Act is the provision of training through partnership efforts involving the private sector, public and private education agencies, and employment and training organizations. This Act's fundamental premise is that such partnerships are best driven by local agreements between specific private and public sector agencies. Such agreements are to be negotiated between Private Industry Councils (PICs) and service providers in Service Delivery Areas (SDAs), and they are to be stated in a written Job Training Plan that is submitted to the governor of each state.

The federal government considers the funds allocated for this training purpose to be an investment rather than an expenditure. Given this mind set with respect to the development of America's human resources, educators should note:

- JTPA funds are not intended to provide short term wages or subsidized employment. Instead they are specifically earmarked for training - an investment that builds the nation's human resource capacity.

- JTPA supported programs are intended to involve a joint investment of resources with the states. Matching funds are required for some program arrangements. The match however may be monetary or may involve in-kind contributions of existing resources such as facilities, equipment and the likes.

Given these intents, what return on its investment would an LEA receive? Alternatively stated, what is vocational education's return in terms of benefits? A partial answer to these questions is that JTPA funds may be viewed as an additional source of revenue which would allow the LEA to:

- expand or initiate programs to better serve the needs of many different client groups and to better meet future labor demands of the private sector.

- employ instructors, administrators, and support personnel on an extended or year-round basis.

- purchase equipment and/or update facilities for training purposes.

There is yet another local benefit. Successfully trained and subsequently employed workers will increase the tax base in the region supporting an LEA. This is particularly true as formerly unemployed, perhaps even welfare drawing individuals, become productive, employed members of the community. Through cooperative efforts with the state and local PIC councils, economic development and industrial revitalization can also be

enhanced. Inducements to new and expanding industries, and to those contemplating relocation, may be offered in the form of:

- expanded training opportunities in high technology areas.
- customized industrial training.
- upgrading of existing workers.
- retraining programs for laid off workers.
- other training programs approved by the local PIC council.

Educators should note that, to document this investment's effectiveness, the Act requires that criteria be developed to measure the return on investment. The legislation emphatically demands performance standards that measure the results of participation in programs. Simply stated, adult job training programs must be performance, rather than process driven to meet the two major goals of the Act: increased employment earnings and reduced welfare dependency. Similarly the Act also specifies additional criteria for evaluating the performance of youth programs. These include:

- attainment of employment competencies recognized by the PICs.
- completion of elementary, secondary, and postsecondary school.
- enrollment in other training programs or apprenticeships.
- enlistment in the Armed Forces.

The Act's performance orientation represents a positive way of encouraging programs investing in human capital. The indicators of success used to establish performance will typically include placement in unsubsidized employment; increased hourly wages; and a reduction of the number of individuals and families receiving cash welfare payments; a reduction in the overall amounts of welfare payments. Despite the noble intent of the Act, it is obvious that such measures are susceptible to the conditions of the economy, not just to the effectiveness of JTPA programs. However, because of its emphasis on training, the Act lives up to its intent as an investment.

Fortunately, vocational education is already in the performance business. Now the JTPA provides additional incentives to adopt competency-based instruction, to demonstrate vocational education's proven track record, and to evaluate the success of training programs using existing mechanisms such as the VEDS system and in-place follow-up procedures. Since the selection of service providers will be based on past records, vocational institutions whose programs are already performance oriented and who best document this record will obviously have an advantage in qualifying as service providers. Additionally, the established reputation of vocational institutions in the local community and the rapidity with which these institutions can respond to the new requirements of the Act, will be significant determinants in qualifying as service providers.

CONTEXT OF JTPA PROGRAMMING

Although the stated purposes of the Act will substantially determine the types of programming and services to be funded, a number of other national concerns will also influence programming. National defense, technological advancement, and economic development are examples of high priority goals that will drive some program planning.

The Act clearly is tailored to the requirements of the nation's emerging economy and as such it represents a significant advancement in comparison with CETA. To further illustrate the Act's advantages note the following critical features of JTPA:

Relationships. Many of the existing CETA-based relationships will be continued. For example, the relationship between LEAs and the SDAs could be substantially the same. Also, many elements of local planning for SDAs will remain the same. However, a prime difference will involve the establishment of the agencies' credentials with the PIC.

Planning Procedures. JTPA will require changes in policies and procedures. It is anticipated that these changes will include greater involvement by the new "partners" in the LEA's planning process. More intensive coordination with the private sector is mandated by the new law. While previous legislation expressed the intent to develop partnerships between the private and public sectors, the JTPA mandates joint planning, commitment and investment on the part of all members of the partnership!

PICs. Under JTPA, the Private Industry Councils will have real authority. For example, the PICs must approve employment competencies for youth programs, recommend potential service deliverers, approve Job Training Plans which include the programs and services to be offered, and provide oversight with respect to job training activities in the local area.

Trainee Motivation. The motivation of trainees under JTPA will be different because they will be paid allowances and wages less often than under CETA. This dramatic change will have great implications for the mixing and staging of services to trainees. Trainees will no longer be able to enroll in programs with the primary motivation being the receipt of allowance payments. Program services will have to be intensified so that trainees can receive training and find employment as efficiently as possible. Open-entry, open-exit training programs will become a real necessity in order to secure enrollments and to minimize the time required to traverse the training-to-employment span. Furthermore, to retain participants until their skills reach an employable level, additional incentives must be created and strategically placed in the program mix of services.

Trainee Selection. Outreach and trainee selection methods for participation in training programs will be different. To a certain extent, trainees will self-select due to the difference in enrollment incentives. Because high technology training is also emphasized in the Act, the entrance requirements for many programs may be raised. Special remediation services providing basic skills instruction and physical training may also be required to prepare some clients for entrance to and success in these training programs.

Because of the performance standards built into the Act, LEAs will not be able to afford to expend time and money on trainees who cannot or will not benefit from training. Pre-assessments will become more important in order to accurately predict participant performance in

highly technical training programs. Training programs will also need to emphasize advanced learning techniques and systems to improved program efficiency and effectiveness.

Pre-training Services. Outreach, assessment activities, job readiness skill development and remediation in basic skills will assume greater importance for clients who face the greatest barriers to employment. With this, the emphasis may shift from the provision of immediate training to pre-training services designed to bring trainees' to a point at which enrollment in actual employment-specific training would appear to offer a reasonable chance of success.

To help visualize the Act's intents and to assist with the conceptualization and design of eligible programs, in Figure 1 the authors have included a graphic representation of the key features and relationships of the JTPA. Note that Figure 1 calls out five major categories of information that need to be available and agreed upon for program planning:

1. Private sector needs.

2. Participant characteristics.

3. Resources.

   - Private sector
   - Public sector

4. Services.

5. Expected Outcomes.

   - Adult
   - Youth

The program planning and design process is envisioned to begin with an interactive review of private sector labor market needs (1) and of participant, i.e. target client group, characteristics (2). This review will likely be supplemented with a summary of existing and accessible public and private sector resources (3). The review and planning effort will then lead tothe specification of a realistic slate of objectives, complete with specified outcome criteria. This list will then trigger the design, detailing and contracting of the services or programs (4) to be provided. Upon implementation of these programs, the service delivers and/or the PICs will collect outcome data that will be used to assess the programs effectiveness and to tailor it for enhanced performance. This paper's subsequent sections present a series of sample models that interpret the Act's intent for vocational educators.

Individuals To Be Served: _____

Program Type: _____

JTPA

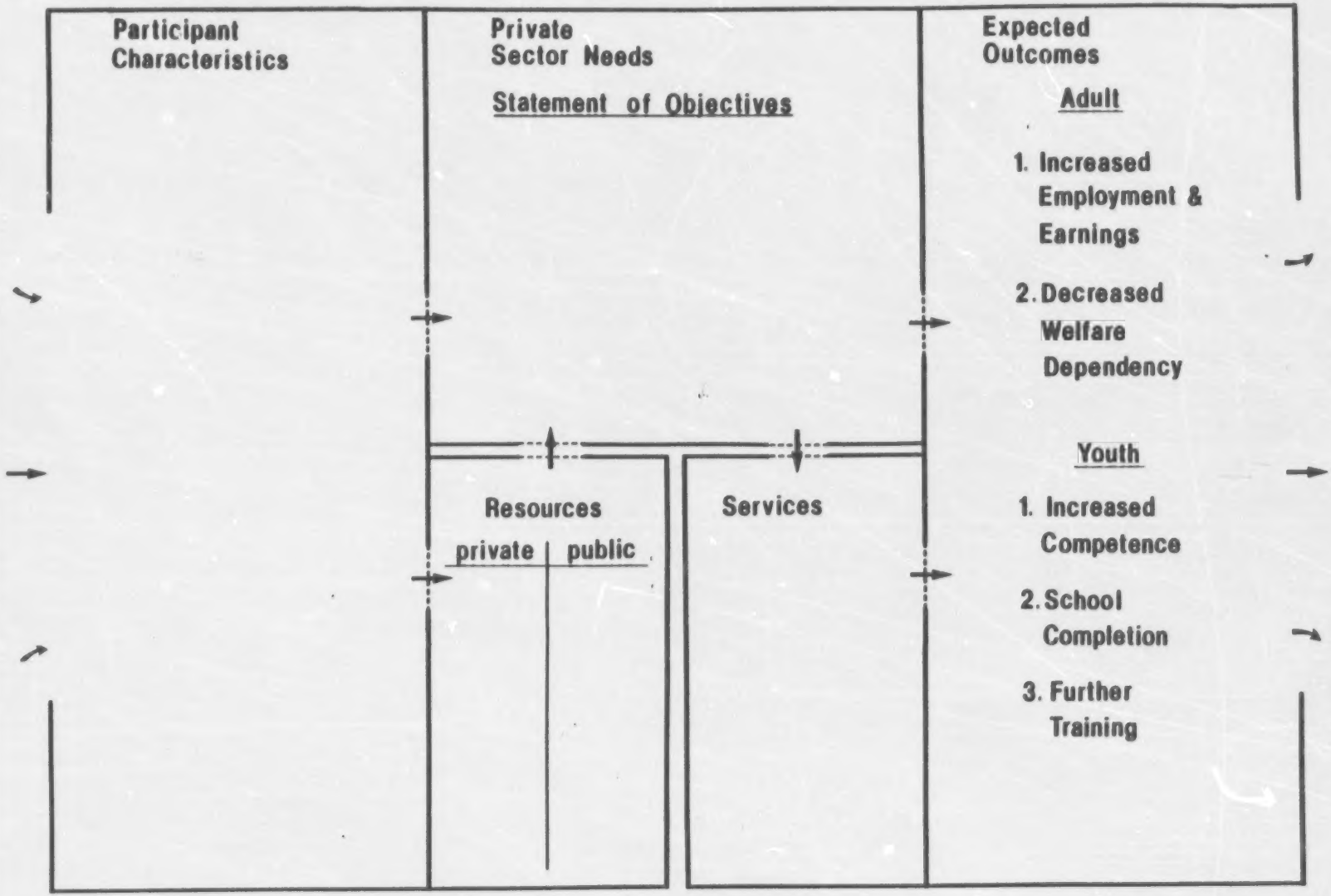


Figure 1

SAMPLE MODELS FOR VOCATIONAL PROGRAMS ELIGIBLE FOR FINDING BY THE JOBS TRAINING PARTNERSHIP ACT

The authors' intent is to share a variety of alternatives for meeting local needs and for addressing the LEA's needs, particularly as they pertain to vocational education. The models which follow are of three types:

1. Models utilizing existing vocational institutions and facilities as the base for program offerings. Such models use or build on existing programs to provide JTPA participants regular training and services.

2. Alternative models which suggest the development of special, innovative and usually free standing programs and services to meet the needs of JTPA participants.

3. Component services models which seek to combine elements of both of the above and offer single purpose, more selective programs and services to targeted populations.

The first questions to be answered by both PICs and vocational educators, as partners in service delivery, are: "Which of the three types of models do our combined resources and needs suggest as having the most potential for success? "Which strategy must we deploy in order to best serve JTPA participants' needs?"

To answer such questions, it will be useful to examine the components of comprehensive vocational services allowable under the Job Training Partnership Act. It is from these components that PICs will select and organize a systematic and comprehensive delivery system that meets all the needs. To do this, local private sector needs as well as available resources must be weighed against the needs of potential participants in order to choose the most appropriate mix of services and programming from the almost unlimited range of offerings possible.

COMPONENTS OF COMPREHENSIVE VOCATIONAL SERVICES

SERVICES TO PRIVATE SECTOR

A. Identification of private sector needs

- Analysis of labor market data
- Labor market surveys

B. Curriculum development

- Identification of employment competencies
- Curriculum resource identification
- Curriculum validation

C. Training and development

- In-service of PIC members and staff
- Research

SERVICES TO PARTICIPANTS

A. Outreach

- Intake and eligibility determination
- Strategies for urban and rural access
- Specialized services for targeted populations
- Media presentations
- Use of referral networks

B. Career assessment evaluation

- Testing and evaluation
  - Aptitude testing
  - Ability assessment
  - Realistic job previews
  - Work sample assessments
- Academic achievement
- Skills inventory

C. Individual career counseling

- Vocational exploration
  - Job shadowing
  - Try-out employment
  - Occupational cluster exploration
- Realistic goal setting
- Career decision-making

D. Support services

- Interagency referrals
  - Legal, personal, and financial counseling
  - Transportation, day care, and food stamps
- Job readiness development
- Preemployment skills training
  - Resumes, job applications, job interview
  - Job bank, job club
- Assertiveness training

E. Vocational training

- Classroom or individual referral institutional training
- Upgrading or retraining
- Cooperative vocational training
- Pre-apprenticeship training
- Supervised on-the-job training
- Customized skill training

- Occupationally specific basic skills instruction
- GED programming
- Adult basic education
- Remedial instruction

F. Job development

- Job site development
- Industry commitments prior to training

G. Job placement

- Job bank
- Job club

ADMINISTRATIVE SERVICES

A. Program administration

- Planning
- Budgeting
- Supervision
- Evaluation

B. Follow-up services

- Job retention rate
- Job satisfaction of employee
- Employer satisfaction
- Upward mobility of trainees

The models which follow utilize some or all of the listed components of comprehensive vocational services. LEAs and vocational educators should recognize that the Act encourages innovation in program planning and operation. The suggested models should serve only as a springboard for local adapatation and innovation.

In this vein, the youth models presented are developmental and represent the staging of services appropriate to the school to work transition. Most adult models in contrast are more focused on direct training outcomes except where assessment indicates a need for pre-training services.

MODEL 1

INSTITUTIONAL SKILL TRAINING

PROGRAM SUMMARY

Class group and individual referral programs represent the easiest and most practical method for public and private vocational education institutions to become involved in the Job Training Partnership Act. This method of programming depends primarily on the integration of JTPA services with existing vocational offerings. Integration of programs allows institutions to provide comprehensive programming to the local community and at the same time become more involved with private industry.

Class group programs occur when a group or class of trainees begin at one time and are trained in a specific occupation. This type of program, usually offered on a one time basis, allows training of limited numbers of individuals without flooding an occupation. Class group programs provide flexibility in meeting the community's short run employment training needs.

Individual referral programs allow vocational schools the flexibility of training individuals without creating a separate class for each person. This program configuration assumes that another agency, one designated by the SDA, will select and refer eligible participants to the vocational institution. Reimbursement of training may be provided on an SDA or State wide payment system. Referred individuals may be placed in other existing vocational programs, and such trainees are usually offered the full range of services that are provided to the regular students of the institution. Individual referrals also provide training flexibility since adult trainees, with some limitations can be mixed with secondary students or vice verse. Additionally, if facilities allow, individuals can be accepted into open entry/open exit programming with slight modifications of the curriculum. This flexibility allows maximization of training facilities, and it more fully involves the community in vocational training.

Provision of personal and transition services to trainees also presents a genuine opportunity for the school to enhance its image with the tax paying public. As enrollments continue to drop in the secondary vocational programs, more and more adults will be using the vocational education system. Upon successful completion of training, these adults and older workers will once again become tax payers and, hopefully, ardent supporters of the local vocational institution. Provision of quality personal and transition services will result in assurance for trainees that schools are working in their behalf.

STATEMENT OF PROGRAM OBJECTIVES

To effectively utilize existing vocational education institutions to provide services and training via mainstreaming strategies to clients eligible for JTPA programs.

To provide institutional skill training programs that will develop vocational, academic and personal skills to increase employability and lead to unsubsidized employment for economically disadvantaged individuals.

ELEMENTS OF THE SUGGESTED MODEL

A. INDIVIDUALS TO BE SERVED

Youth, adults and older workers who lack employability and cannot compete in the labor market due to a lack of occupational information and specific vocational skills.

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. PIC approval and oversight of the project
2. Loans of industrial workers for instructional purposes
3. Curriculum advisement
4. Curriculum validation
5. Curriculum revision
6. Curriculum revalidation and revision
7. Equipment donation
8. Existing vocational skill training classes (secondary, postsecondary, and adult)
9. Existing Adult Basic Education classes
10. Existing GED preparation classes
11. Existing cooperative education classes
12. Existing vocational instruction laboratories, classrooms, equipment and staff

C. SERVICES TO BE PROVIDED

1. General Services

- Outreach and intake
- Information dissemination to employers and community
- Specialized labor market surveys to document the demand for a given occupation
- Employment generating services

2. Educational Services

- Remedial and basic education
- GED preparation
- Literacy training
- Open-entry/open-exit skill training in the form of class groups lasting from one to six hours daily
- Evening open-entry/open-exit skill training utilizing existing facilities (extra instructional and support staff may be hired for these purposes)
- Combined vocational instruction with OJT and/or internships or cooperative programs
- Innovative instructional methods using advanced learning technologies such as interactive computer-assisted instruction
- Vocational instruction in pre-apprenticeship training
- On-site industry-specific training
- Skill training activities to upgrade existing skills
- Retraining activities for individuals possessing obsolete occupational skills

- Vocational exploration
- Other innovative instructional programs such as endurance training for older workers

3. Personal Services

- Assessment, testing, and curriculum placement
- Personal and vocational counseling
- Job holding and survival skills
- Employability planning
- Life skills training
- Other innovative services such as on-site child care facilities that will open training opportunities to clients with children

4. Transition Services

- Job club
- Job search assistance
- Job placement
- Job development
- Education to work transition services

D. EXPECTED OUTCOMES OF PROGRAMS

Class group and individual referral programs should be designed primarily to place trainees in unsubidized employment. Additional expected benefits resulting from training are:

1. Retainable unsubsidized employment
2. Increased earnings
3. Reduced welfare dependency
4. Successful return on investment

LOCAL ADAPTATIONS

A. SUGGESTIONS

Class group and individual referral programs can be utilized to provide assistance under Title III, Employment and Training Assistance to Dislocated Workers. The legislation allows for the provision of services to individuals that have been previously displaced or have been notified of an impending lay-off. Such individuals may require some of the following services:

B. ADDITIONAL OR ALTERNATIVE SERVICES

1. Prelay-off intervention such as filing pre-applications for Unemployment Insurance benefits.
2. Personal services including vocational, personal and financial counseling, and commuting services.
3. Transition services including job search assistance, job development and relocation assistance
4. Job training in skill areas where demand exceeds supply. This training may be provided in advance of the announced lay-off.

MODEL 2

SKILL CENTER PROGRAMS

PROGRAM SUMMARY

Many skill center configurations were initiated under MDTA, continued under CETA, and will doubtless be continued under JTPA. The skill center approach seeks to provide comprehensive employment and training services to the full range of individuals to be served, with particular emphasis on adult programs. Services may include the full range of components from assessment and intake to placement and follow-up.

Duplication of services is an obvious concern with the skill center approach. Where possible, if an SDA insists on a separate vocational training institution or a particular service provider, the mix of services provided should be carefully examined to determine that no service is provided that could be more economically or efficiently provided at an existing institution. Note that the JTPA legislation specifically warns against establishing new institutions to accomplish its purpose unless it can be demonstrated that the new institution can accomplish the task more efficiently and effectively.

Many urban and rural areas are served by area vocational schools that are filled, in some cases, even beyond their capacity. Under these conditions the establishment or retention of an existing employment and training facility can be justified. In all cases, it is desirable to remind JTPA program decision makers that vocational education is already in the skill center business and that creating additional institutions will likely result in a duplication of vocational education's efforts.

STATEMENT OF PROGRAM OBJECTIVES

The program is designed to provide comprehensive vocational services in one location to all individuals eligible under JTPA. The goal of skill center programs is to assist trainees in finding and keeping training related employment in the private sector.

ELEMENTS OF THE SUGGESTED MODEL

A. INDIVIDUALS TO BE SERVED

Youth and adults (up to 10% of whom may be non-economically disadvantaged), older workers, and dislocated workers that have significant barriers to employment and who can benefit from such training.

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. PIC approval and endorsement of the program
2. Loans of industrial workers for instructional purposes
3. Curriculum advisement

4. Curriculum validation
5. Curriculum revision
6. Curriculum revalidation and revision
7. Physical facilities including classroom space, vocational laboratories, and equipment (can be an after-hours sharing of existing vocational facility)
8. Staff including administrators, teachers, counselors, and support personnel required to operate the program
9. Utilization of existing GED preparation classes
10. Utilization of existing Adult Basic Education classes
11. Utilization of existing counseling services
12. Utilization of existing support services arrangements

C. SERVICES TO BE PROVIDED

1. General Services

Services provided in skill centers are designed to be comprehensive. That is they can be individually prescribed to fit the needs of individuals while addressing the labor market circumstance where demand exceeds supply.

- Outreach and intake services
- Information dissemination to employers and community
- Specialized labor market surveys to document the demand for a given occupation
- Employment generating services
- Program administration and supervision

2. Educational Services

- Remedial and basic educational services
- Literacy training
- GED preparation
- Open-entry/open-exit skill training
- Class group training when limited occupational demand exists
- Open-entry/open-exit skill training provided during evenings utilizing existing facilities
- Combined vocational instruction with OJT and/or internships or cooperative programs
- Innovative instructional methods utilizing advanced learning technologies such as interactive computer-assisted instruction
- Vocational instruction in pre-apprenticeship training
- On-site industry specific training
- Training activities for individuals who require up-grading of existing vocational skills
- Retraining activities for individuals with occupational skills which have become obsolete
- Vocational exploration activities that enhance vocational choice
- Other innovative instructional methods such as physical training for women who wish to participate in non-traditional occupations. This could include physical training for women and older workers who seek to participate in occupations which require sufficient upper body strength to successfully perform the job.

3. Personal Services

- Assessment, testing, and curriculum placement
- Personal and vocational counseling
- Job holding and survival skills
- Employability planning
- Life skills training

4. Transition Services

- Job search assistance
- Job seeking
- Job development
- Education to work transition services
- Follow-up

D. EXPECTED OUTCOMES OF PROGRAMS

Skill Center programs are designed to place economically disadvantaged persons in unsubsidized employment. Among the other JTPA prescribed outcomes are:

1. Retention of unsubsidized employment
2. Increased earnings
3. Reduced welfare dependency
4. Successful return on investment

LOCAL ADAPTATIONS

A. ARTICULATION

In designing skill center programs it is critically important that duplication of existing services be avoided. In those SDAs where a skill center and a traditional vocational education institution coexist, perhaps services and training in both institutions can be coordinated in such a way that they have the effect of improving trainees' chances of successful completion of training in both programs. For example remedial academic instruction could be provided at the skill center prior to referral to the area school for skill training. Alternatively, where the institutions provide different types of vocational training, articulation agreements could make the training opportunities in each institution available to the trainees of the other.

B. ADDITIONAL OR ALTERNATIVE SERVICES

1. When a significant portion of the population served by a given skill center has a common labor market pathology, additional services must be provided to address those needs. Displaced homemakers and teen-aged parents, as examples, frequently possess characteristic problems of their populations. Special programming should be provided to meet these unique conditions. For example, teen-aged parents should be provided with family plan-

ning and life skills training in addition to their vocational skills. These services can be provided prior to or concurrently with skills training.

2. Language barriers often require specialized academic instruction designed to enhance verbal skills. It is recommended that these services not only be provided prior to skills training, but also continued so that the vocational vocabulary can be mastered.

MODEL 3

CUSTOMIZED SKILL TRAINING

PROGRAM SUMMARY

Services provided in customized skill training programs vary dramatically depending on the individual needs of the industry(ies) involved in the program. Primarily these programs are oriented to attract new industries. Companies instituting new technologies which will enhance productivity are also eligible.

The installation of new technologies often requires the use of advanced instructional techniques and can frequently be facilitated by the use of educational technology. Examples of such instructional technologies are interactive computer-assisted instruction and the development of highly specialized learning modules that incorporate audiovisual instruction. These techniques are directly referenced in the JTPA legislation.

Selection of participants in customized skill training programs is an important element of program success. Mastery of new technologies will require individuals who are academically capable of learning complex and lengthy bodies of knowledge. Additionally, the selection of quality trainees is a good way to open future doors to increased coordination with the industries involved in customized skill training programs.

STATEMENT OF PROGRAM OBJECTIVES

To enhance economic development by providing a system of training programs that will meet the needs of a specific industry or consortium of new or expanding industries. Customized skill training programs can also be a major inducement to industries considering relocation.

To provide specialized skill training which will result in the individual's unsubsidized employment.

ELEMENTS OF THE SUGGESTED MODEL

A. INDIVIDUALS TO BE SERVED

Unemployed, out of school youth, adults, and older workers

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. Documentation of labor market need
2. PIC approval of the program
3. Equipment donation
4. Industry selection of participants in cooperation with existing industry personnel methods and procedures
5. Use of industry personnel as instructors
6. Use of industry-based instructional resources including classrooms, vocational laboratories and production equipment

7. Administration of program
8. Outreach and intake functions (could be done jointly with industry)
9. Support services
10. Vocational training in LEA classrooms and laboratories
11. Utilization of existing adult basic skills classes to enhance academic functioning
12. Curriculum development
13. Curriculum validation
14. Curriculum revision and revalidation
15. Job placement assistance
16. Follow-up on job success and employer satisfaction with training efforts

C. SERVICES TO BE PROVIDED

1. General Services

- Outreach and intake services
- Information dissemination to employers and community
- Employment generating services

2. Educational Services

- Remedial and basic education prior to training (as preparation for mastery of high technology materials)
- Institutional skill training using LEA training resources including classrooms, vocational laboratories and equipment
- On-site vocational instruction using industry training resources including classrooms, vocational laboratories and production equipment
- Combined institutional and on-site vocational instruction utilizing the training resources of both
- Participation in combined vocational program utilizing OJT, internships, and work experience
- Instructional methods that employ advanced learning technologies such as computer assisted instruction
- Pre-apprenticeship programs

3. Personal Services

- Assessment, testing, and curriculum placement
- Realistic job previews to maximize self-selection of participants
- Appropriate supportive services that might include child care assistance to facilitate the inclusion of women in such training
- Work habits training
- Personal counseling

4. Transition Services

- Job search assistance including job clubs and other placement techniques
- Job placement services
- Job development
- Follow-up programs to assure employer satisfaction and successful placement of individuals

D. EXPECTED OUTCOMES OF PROGRAMS

Customized Skill training should result in:

1. Unsubsidized employment for the individuals served
2. Increased earnings for participants
3. Reduced welfare payments
4. Retention of durable unsubsidized employment
5. A pool of job-ready potential employees with company specific vocational skills
6. Increased productivity as a result of reductions in material waste, training time, etc.

LOCAL ADAPTATIONS

A. SUGGESTIONS

Implementation of this model will require many local adaptations. The nature of the industry(ies) involved will determine many of the variables. As this is an employer oriented approach, special attention should be paid to the needs of the industry. The key to making customized skill training a viable economic development tool is to make the programming PROFITABLE for the employer(s) being served. This economic development approach is in the best interests of the public schools as employers are, after all, a major source of local tax dollars of education.

The needs of the participants should not, however, get lost in this model. Many employment opportunities that will result from customized skill training programs can be opened up to lesser skilled individuals. Some suggested ways to make adaptations in customized skill training programs are to develop training in those occupational areas that can be adapted and modified to meet the special needs of handicapped individuals who are normally unable to participate in the labor market. Alternative methods of servicing these and other economically disadvantaged individuals follow.

B. ADDITIONAL OR ALTERNATIVE SERVICES

1. With a little imagination many successful adaptations of jobs and modifications of production equipment can be made which will allow the physically and mentally handicapped to successfully perform a job.

2. Language barriers which lead to poor understanding of job terminology can limit skill mastery. This is a particular problem in high technology programs. To assist persons in this situation, language programs can be developed utilizing the terminology of the specific industry to overcome language barriers and contribute to the mastery of significant vocational terminology at the same time.

3. Many adults demonstrate anxiety when confronted with the necessity of mastering complex materials. Math anxiety is very common. Unfortunately math is a commonly required skill in many high technology occupations. Specific programming can be developed to remediate and to further instruct individuals in these areas prior to being placed in the actual training program.

MODEL 4

COMPREHENSIVE DISPLACED HOMEMAKERS SERVICES

PROGRAM SUMMARY

The components of successful vocational displaced homemaker projects have been validated. Eight demonstrated program components contribute to the improved employability of displaced homemakers. Few clients would engage in activities from all eight components. The special needs of this target group will, however, require the offering of a broad base of services from which individual programs may be developed. Ideally, the program should prepare clients for private sector jobs through 2 to 3 week employment readiness classes which emphasize skill identification, not skill training. Job developers obtain hiring commitments from local employers before participants are recruited to fill the employment readiness classes. Instruction is then provided which is structured around the precise needs of the hiring companies. An option to predetermined jobs is individual referral to vocational skill training in a traditional setting. The Comprehensive Displaced Homemakers Services module is authorized by section 203.(2) of the Job Training Partnership Act.

STATEMENT OF PROGRAM OBJECTIVES

To improve the quality of life of low income families by helping displaced homemakers obtain and retain permanent employment in the private sector.

To meet private sector hiring needs by preparing displaced homemakers for available entry level jobs.

ELEMENTS OF THE SUGGESTED MODEL

A. INDIVIDUALS TO BE SERVED

The displaced homemakers are persons (principally women, but also men) who:

1. Have worked in the home for a substantial number of years providing unpaid household services for family members;
2. Are not gainfully employed;
3. Have had, or would have, difficulty in securing employment; and
4. Have been dependent on the income of another family member but are no longer supported by such income; have been dependent on Federal assistance; or are supported as the parent of minor children by Government assistance or spousal support but whose children are within two years of reaching their majority.

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. Initial hiring commitments
2. Curriculum validation
3. Instructors for company policy in regard to hiring procedures and job requirements

4. Program oversight and advisement
5. Equipment, facilities and associated personnel
6. Private sector financing of activities (optional)
7. Financial and/or in-kind contribution
8. Administration and supervision of the program
9. Outreach and intake capacities
10. Classroom and vocational training facilities

C. SERVICES TO BE PROVIDED

1. General Services

- Outreach and intake services tailored to metropolitan or rural settings
- Career assessment evaluation
- Individual career counseling to identify realistic, attainable goals.

2. Educational Services

- Remedial basic skills instruction
- ABE or GED instruction
- Refresher courses in math, typing, etc.
- Long and short term vocational instruction
- Job readiness classes emphasizing skill identification
- Pre-employment skills training

3. Personal Services

- Interagency referrals network for legal, personal, and financial counseling
- Day care, transportation, food stamps, housing assistance and other required information through the above referral network
- Assertiveness training
- Physical training to meet requirements of many nontraditional jobs.

4. Transition Services

- Job development
- Follow up
- Job placement
- Job bank, job clubs

D. EXPECTED OUTCOMES OF PROGRAMS

Programs designed to serve displaced homemakers should result in the most efficient mix of services to transition displaced homemakers from unemployment to full or part-time employment. In addition, expected program outcomes should include:

1. Increased earnings
2. Reduced welfare payments
3. Fulfillment of private sector hiring needs
4. Entrance to high tech or growth industries with career ladder opportunities

LOCAL ADAPTATIONS

Due to the model's commitment to dealing exclusively with employers prior to selection and referral to programs, it is very important to identify high growth industries with higher paying jobs for women with limited skills. Job development and training activities should be targeted toward jobs with career ladders above the minimum wage level found in most clerical, retail sales and manfacturing occupations. Validated strategies to implement displaced homemakers programs include the following implementation strategies:

1. Developing a strong relationship with the business community.
2. Knowing what employers want and how hiring policies operate.
3. Use of company personnel to provide participants with information about jobs.
4. Use of wide recruitment and careful screening techniques.
5. Helping participants develop realistic employment goals.
6. Encouraging self-sufficiency to break out of the welfare cycle.
7. Adapting programming to fit cultural and language needs of minority participants.
8. Encouraging exploration of nontraditional careers in high tech occupational areas.

MODEL 5

PREEMPLOYMENT SKILLS TRAINING

PROGRAM SUMMARY

This model is a multi-faceted approach to providing preemployment skills training to youth utilizing actual business and industry personnel and worksites in order to encourage completion of high school and to facilitate the informed selection of an entry level occupation following graduation. Additionally, exploration of nontraditional careers and the development of job seeking and keeping skills will be encouraged.

Services are provided in the form of classes or activities after school and on Saturdays. At the school's option, classes and activities can lead to graduation credit.

A separate activity is suggested as a way to prepare faculty and staff of the participants' school for their role in the Train the Trainer component.

STATEMENT OF PROGRAM OBJECTIVES

To provide training and assistance in securing unsubsidized long term employment for economically deprived youths through career orientation and vocational exploration. The core activities of this model focus on preemployment skills, vocational exploration and career selection.

ELEMENTS OF THE SUGGESTED

A. INDIVIDUALS TO BE SERVED

In-school youth, age 16 to 21 plus 14 and 15 year olds, with priority given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. Industrial and business facilities for on-site tours and job shadowing experiences
2. PIC approval of employment competencies to be taught
3. Participation of business and industry leaders from the local community as members of advisory council
4. Validation of preemployment skills
5. Nontraditional role models
6. Participation in a speakers bureau for youth and trainer activities
7. Financial and/or in-kind contributions
8. Administration and supervision of the program
9. Classroom and vocational exploration facilities
10. Assessment, testing and counseling services
11. Remedial education
12. Curriculum revision and development

C. SERVICES TO BE PROVIDED

1. General Services

- Outreach and intake
- Information dissemination to employers, faculty, and parents regarding the intent and expected outcomes of the program

2. Educational Services

- Occupational career and vocational exploration
- Basic life skills instruction
- Labor market information
- Remedial education
- Math support network
- Computer literacy
- Occupational testing and assessment

3. Personal Services

- Employability planning
- Social interaction skills instruction
- Interest and aptitude testing

4. Transition Services

- Enrollment in vocational training
- Assistance in finding part-time or summer employment
- Enrollment in an entry employment experience program

D. EXPECTED OUTCOMES OF PROGRAMS

Prevocational programs should result in:

1. Attainment of PIC recognized preemployment competencies
2. An individual occupational choice
3. An opportunity to enroll in vocational training
4. Exposure to nontraditional vocational choices
5. Documented improvement in academic achievement
6. Participation in observations and experiences in on-site work settings
7. Part-time or summer employment prior to graduation

LOCAL ADAPTATIONS

A. SUGGESTIONS

1. Emphasis placed on exploring nontraditional careers and eliminating sex bias and stereotyping in vocational enrollments.
2. Integration of activities with computer literacy programs presently offered.

B. ADDITIONAL OR ALTERNATIVE SERVICES

1. Development of an advisory council that establishes a partnership between the program and the business community, employers, school based counselors and parents. Also included in such an advisory body should be vocational educators, nontraditional role models, instructors of academic and vocational subjects (particularly math teachers).

2. Holding a Math Institute for participating faculty and employing the following concepts:

   - Math as a "Critical Filter" concept, necessary for success in high tech careers.
   - Utilization of the "Train the Trainers" model placing emphasis on teachers, counselors and community members who will be involved in delivering assistance to students.
   - Development of infusion strategies as an entire faculty.

3. Present Business/Industry workshops that provide teachers and counselors with additional information regarding the program's objectives. Some of the suggested activities include:

   - Provision of information to students, parents, teachers, counselors.
   - Providing tours of workplaces, media presentations, speakers.
   - Providing local job market information obtained from local employers.

4. Provide an intensive two week summer learning adventure to students that includes: (This can be a joint activity with the local SYETP program)

   - Hands-on vocational exploration of career clusters provided at the vocational level.
   - Supplemental industry tours and speakers.

5. During the school year provide up to 120 hours of after school and Saturday instruction and activities that include among other things:

   - Computer literacy.
   - Vocational exploration.
   - Job search assistance.
   - Job holding and survival skills.
   - Basic life skills training.
   - Remedial education emphasizing math skills development.

MODEL 6

ALTERNATIVE EDUCATION PROGRAM

PROGRAM SUMMARY

Alternative School services are provided to prevent unnecessary school dropouts by retaining and re-enrolling those students who are not best served by existing academic and vocational programs. Depending on local philosophy, alternative schools can be used to augment existing educational programming or to stand alone as a separate institution within a local education agency. Curriculum emphasis can be placed on obtaining a regular high school diploma or can be aimed at providing a GED, or both, depending on the track record of the individual student. Alternative School services can be provided under Title II: Exemplary Youth Programs in the form of "Education for Work Programs" which authorizes a ". . . Network of Learning Centers offering individualized and group instruction . . . "

STATEMENT OF PROGRAM OBJECTIVES

To keep potential high school dropouts in school.

To enhance the job prospects and career opportunities of economically disadvantaged youth by providing an alternative educational environment, which emphasizes basic skills, counseling, and vocational exploration.

To provide participants with meaningful work experience which will assist the economically disadvantaged youth in making the transition from school to work.

ELEMENTS OF THE SUGGESTED MODEL

A. INDIVIDUALS TO BE SERVED

In and out-of-school youth, aged 16 to 22 years, who are non-high school graduates and who cannot function in the local labor market.

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. PIC approval of educational competencies taught
2. PIC oversight and advisement of program
3. Curriculum validation
4. Financial or in-kind contributions
5. Administration of the program
6. Existing classroom and vocational training facilities
7. Counseling and other existing supportive services
8. Job placement resources
9. On-site instruction including OJT and other skill training resources
10. Participation in combined skill training programs

C. SERVICES TO BE RENDERED

1. General Services

- Outreach and intake
- Information dissemination to employers regarding the intent and expected outcomes of the program

2. Educational Services

- Remedial and basic education designed to augment existing academic and vocational training programs
- GED preparation
- Core academic courses as required by state law for graduation from traditional high schools
- Institutional skill training programs
- Pre-apprenticeship skill training programs (with advice and consent of appropriate labor unions)
- Combined academic/vocational programming with OJT and internships in local industries
- Utilization of advanced learning technologies in academic and vocational instructional programs
- Utilization of performance based instructional techniques that have been approved by the SDA's and State PIC's
- Vocational exploration activities

3. Personal Services

- Job and vocational counseling
- Job holding and survival skills training
- Assessment, testing and curriculum placement
- Employability planning
- Life skills training

4. Transition Services

- Job seeking skills training
- Job search assistance
- Job development
- Job placement
- Follow-up of program completers and leavers

D. EXPECTED OUTCOMES OF PROGRAMS

Programs designed to serve the school dropout or dropout prone youth should result in:

1. Unsubsidized employment
2. Retention of employment
3. Increased earnings
4. Reduced welfare payments
5. A successful return on the investment of federal, state, and local resources
6. Attainment of specified employment competencies that are recognized by the PIC's

7. Completion of elementary, secondary and/or post-secondary schools or their equivalents
8. Enrollment in other training programs, apprenticeships or enlistment in the Armed Services

LOCAL ADAPTATIONS

A. SUGGESTIONS

Local circumstances often dictate the modification of services provided to meet the needs of individuals who possess unique characteristics or barriers to employment. Some local conditions might suggest the following or other modifications in the above programs.

B. ADDITIONAL OR ALTERNATIVE SERVICES

1. English as a Second Language or other bi-lingual programs specifically authorized in JTPA.
2. Additional supportive services to teen-aged parents such as child care, family planning, additional life skills training, etc.
3. Services for physically and mentally handicapped individuals that are consistent with those prescribed in IEPs from other programs. Specially designed and implemented vocational programs might be offered that include assessment, curriculum placement, modified and adapted vocational training and placement services that utilize unique employment resources such as sheltered workshops on other rehabilitation services.

MODEL 7

ENTRY EMPLOYMENT EXPERIENCE

PROGRAM SUMMARY

Entry employment experience programs may be offered as an individual program for youth or as the second stage of service to youth who have completed preemployment skills training or its equivalent. Preemployment skills focus on vocational exploration and the making of an informed career choice. Entry employment experience is intended for a more mature youth who has defined his/her job goals and is ready to enter the job market.

Basic entry employment experience services are provided on the job with classroom supplemental sessions. Entry employment experience may not exceed 500 hours employment for any individual and is limited to public and private not-for-profit agencies that provide a variety of community improvement services. These work experiences must be consistent with local priorities and they must augment local expenditures for such priorities. Students must be well supervised and must adhere to strict standards of attendance and work site performance.

Up to 250 hours of try out employment at private for profit worksites is allowable when the wages are paid by the local education agency and the work assignment is one in which students are not usually hired. Individual positions cannot be refilled if the incumbent is not hired by the employer.

Accompanying classroom activities should be designed to augment the work experience. Among the activities that can be provided are basic and remedial instruction, vocational exploration and special activities to more clearly associate the tasks of the work site with those competencies taught in a subsequent vocational training activity.

STATEMENT OF PROGRAM OBJECTIVES

To prepare currently unemployed, in-school youth for unsubsidized employment, high school graduation, or further occupational training.

ELEMENTS OF THE SUGGESTED MODEL

A. INDIVIDUALS TO BE SERVED

Youth aged 16 to 21 (inclusive), who have completed preemployment skills training or its equivalent, who have not recently held a regular part-time or summer job, who are enrolled in a secondary school or its equivalent and who are meeting the institution's minimum academic and attendance requirements for graduation.

B. INDUSTRY/SCHOOL RESOURCES REQUIRED

1. PIC approval of outcome employment competencies
2. Collaboration in developing individual training plans
3. Facilities and equipment for coordinated classroom instruction
4. Personnel for supervision, instruction, and oversight
5. Participation in follow-up activities

6. Curriculum development and validation
7. Existing vocational training facilities
8. Remedial and basic skills instruction
9. Legal authority to award academic credit

C. SERVICES TO BE RENDERED

1. General Services

- Outreach and intake
- Information dissemination to employers, faculty and parents regarding the intent and expected outcomes of the program

2. Educational Services

- Classroom and vocationally related instruction
  - basic skills instruction
  - provision of occupational information
- Full-time summer employment opportunities (public and private not for profit organizations)
- Part-time employment during school year (public and private not for profit organizations)
- Try out employment (250 hours) in the private sector with wages paid by the local education agency
- Cooperative educational programs combining work experience and related classroom activities

3. Personal Services

- Assessment, testing and curriculum placement
- Vocational counseling
- Vocational exploration
- Training plan development
- Life skills instruction
- Job holding and survival skills
- Membership in appropriate vocational student organizations such as DECA, VICA, etc.

4. Transition Services

- Job search skills training
- Job placement services
- Job club activities

D. EXPECTED OUTCOMES OF PROGRAMS

Entry employment experience is designed to facilitate the selection of and entry into appropriate unsubsidized employment for youth who do not intend to continue education beyond the secondary level. Specific expected outcomes include:

1. Attainment of unsubsidized employment
2. Attainment of high school diploma or its equivalent
3. Actual work experience
4. Attainment of PIC recognized employment competencies

5. Enrollment in other training programs
6. Enlistment in the armed forces

LOCAL ADAPTATIONS

A. SUGGESTIONS

Local labor market conditions must be considered in implementation of Entry Employment Experience programs. Adaptations to those conditions form the core of services provided.

B. ADDITIONAL OR ALTERNATIVE SERVICES

1. Basic or remedial instruction classes may be adapted to meet the needs of trainees who require English as a second language services.
2. Specialized training may be provided to job developers in the adaptation and modificaton of work sites for the needs of handicapped individuals.
3. Development of a network of interagency referrals for personal, financial and legal counseling services.
4. Specialized outreach activities for rural areas should be considered, especially in situations where an area school is providing entry employment experience programs to youth from multiple school districts.
5. Classroom activities should utilize positive role models particularly in representing the occupations that are thought of as nontraditional.
6. Some economic conditions are conducive to the promotion of entrepreneurship. For example, recreational areas often require boat motor mechanics. Training should be provided to students considering occupations where it would be appropriate. Sample topics might include basic business math, computer applications, the meaning of accounting, etc.
7. Development of individual training plans jointly with the employer/work site supervisor and the classroom instructor. Specify the job competencies to be mastered as well as the work experiences to be offered to the participant.

SUMMARY AND CONCLUSION

This paper presented the key highlights of the JTPA. It then provided a graphic representation of program planning and operation as envisioned in the JTPA. Subsequently, a comprehensive list of the basic components of all JTPA programming was shared as were various models of programs deemed eligible for funding via the Act. These models consisted of components, as selected from the preceding list, and then specifically configured to best address the unique combination of participant needs, labor market needs, and program objectives presented by each model. Suggestions forlocal adaptation of each model were also provided to guide practitioners towards potential tailoring features that might enhance each model's effectiveness in a specific setting.

The majority of this paper, however, was devoted to the highlighting of seven different program models that a PIC, an LEA or a vocational educator might choose to offer in response to a specific need. Readers should note that these models are not the only ones that are eligible under JTPA nor are they the only ones that would meet client and/or private sector needs regardless of funding source. Instead, each model was conceived as being representative of a family of models within a particular thrust. The samples provided in this paper should in no way be viewed as restrictive or limiting. To the contrary, vocational educators are encouraged to design models with which they can provide needed services. Then, they must have the sense of purpose to explain the program to the appropriate PIC and to support this proposal with complete documentation of their performance record!

To conclude, JTPA provides a rich opportunity for vocational education. Now it becomes the responsibility of the principal actors in the nation's human resource development system to accept the challenge and invest the necessary effort and commit themselves to the seriousness of purpose that is required to turn around our nation's long-standing neglect of its human resources.

Appendix A

PARTICIPANT CHARACTERISTICS - YOUTH

A. EDUCATIONAL CHARACTERISTICS OF YOUTH

1. Who are economically disadvantaged
2. Who do not meet established levels of academic achievement
3. Who are not currently enrolled in vocational training
4. Who do not currently plan to continue in postsecondary training
5. Who have indicated a desire to enter employment upon graduation
6. Who have not made an occupational choice
7. Who lack specific vocational skills
8. Who are drop-outs or potential school drop-outs
9. Who are learning disabled mentally or physically handicapped
10. Who lack educational credentials

B. WORK EXPERIENCE CHARACTERISTICS OF YOUTH

1. Who lack work experience in the private sector
2. Who lack work experience due to age (14-15)
3. Who lack job search, job holding, and job seeking skills

C. PERSONAL CHARACTERISTICS OF YOUTH

1. Who lack social and interpersonal skills
2. Who lack decision making skills necessary for career choice and preparation
3. Who lack information concerning non-traditional occupational choices
4. Who have not explored the relationship between life style and work
5. Who are legal offenders
6. Who possess significant barriers to employment such as drug and alcohol involvement
7. Who are teenaged parents
8. Who lack transporation or the skills to utilize public transportation

Appendix B

PARTICIPANT CHARACTERISTICS - ADULTS

A. EDUCATIONAL CHARACTERISTICS OF ADULTS AND OLDER WORKERS

1. Who lack educational credentials
2. Who possess outdated educational or vocational credentials
3. Whose level of academic functioning is low
4. Whose present vocational skills do not match local industrial needs
5. Who lack vocational training
6. Who are physically or mentally handicapped
7. Who are learning disabled
8. Who possess other significant barriers to employment such as poor command of language

B. WORK EXPERIENCE CHARACTERISTICS OF ADULTS AND OLDER WORKERS

1. Who lack sufficient work experience to attract permanent unsubsidized employment
2. Who are lacking in employment opportunities
3. Who lack work experience outside the home
4. Who lack job seeking, job holding, and job readiness skills
5. Who are unable to identify marketable skills already mastered
6. Who are affected by the special Title II criteria for workers unemployed due to:
   - Mass lay-offs
   - Natural disasters
   - Federal actions that adversely affect unemployment
   - High and continuing area unemployment

C. PERSONAL CHARACTERISTICS OF ADULTS AND OLDER WORKERS

1. Who have limited social and interpersonal skills
2. Who lack transportation
3. Who have child care problems
4. Who possess a history of drug and alcohol abuse which present barriers to employment
5. Who are currently involved with the justice system
6. Who are discouraged workers
7. Who are AFDC recipients
8. Who are displaced homemakers - recently divorced or widowed
9. Who are over 55 years of age, unemployed, and economically disadvantaged
10. Who are unable to meet the physical requirements of some jobs
11. Who are lacking in self-confidence and sufficient motivation to conduct a job search
12. Who require extensive support services including counseling, day care, and transportation

Appendix C

GLOSSARY

Academic Credit:	The legal authority of an LEA to award credit toward graduation from high school. It is based upon successful completion of a course of instruction, training program, or supervised work experience meeting state and local requirements such as certification of instructors.
Advanced Learning Technology:	Examples include interactive micro-computer instruction and the use of highly specialized learning modules which incorporate audiovisual materials. Learning center networks facilitate the use of such technology by sharing in the development and dissemination of such materials and practices.
Basic Life Skills Training:	Instructional programs designed to develop daily living skills such as personal decision making, life planning, etc. More specific applications include checkbook balancing, consumer buying and the like.
Basic Skills:	Instruction in subject areas considered to be basic for all: e.g. math, reading, history, and other core subjects required for high school graduation.
Combined Programs:	Comprehensive skill training programs which offer participants a mix of services designed to reinforce specific vocational objectives.
Computer Literacy:	Minimum computer usage and understanding skills, as yet not commonly agreed upon, important to citizens and workers in the future.
Education-to-Work Transition:	Services designed to ease participants' transition from student to worker. The services may include job holding instruction as well as programs designed to provide actual work experience and counseling.
Employment Generating Services:	Program activities that enhance the employment possibilities for JTPA trainees. An economic development activity for a specific high demand industry would be one example.
Job Search Assistance:	Instruction in the techniques of job seeking, including the job club and job bank methods as well as use of the newspaper, community resources, informal referrals and the like.
Learning Center Network:	Any institution offering a learning center program that has access to information retrieval and that provides a material sharing capability.

Literacy Training: Remedial instruction in reading and writing or English as a Second Language instruction offered to participants in order to meet the basic reading and writing requirements of training programs.

Math as a Critical Factor: A concept that basic math skills form one important basis for employable skills in many occupations, particularly high technology and computer-related ones. In these, math skills serves as a screening device to prevent access to better paying jobs.

Needs Assessment: A systematic procedure for determining the discrepancy between existing and desired levels of attainment with respect to specific educational goals (Ahman, 1979).

In the JTPA content, the components of needs assessment for program planning include:

1. a labor demand survey.
2. a review of labor supply as measured by training output.
3. identification of student or participant interests.
4. monitoring of participant outcomes as obtained by follow-up studies.

On-the-Job Training: A method used to provide structured training for participants in an actual work site. OJT may or may not include accompanying classroom instruction. An individual training plan and careful work site supervision are required for effective learning to take place.

Outreach Activities: Activities such as media presentations, mass mailings, and awareness seminars designed to make targeted populations aware of programs and services.

Participant Selection: Screening mechanisms based on the training program's stated objectives, performance standards, and written job competencies. Selection of participants should be based on specific criteria regarding intellectual ability, maturity, and personal qualities.

Performance Needs: An identified deficit in a participant's achievement or capability related to some goal of the educational and/or training program.

Remedial Education: Instruction, usually in math or language, designed to correct faulty study habits or reduce/eliminate academic deficiencies in areas required for successful completion of a training program.

Retraining: Skill instruction delivered to an employed or unemployed worker whose employment potential has decreased due to rapidly changing technology, local labor market conditions, etc.

Treatment Needs:	Determined by evaluating alternative treatments to identify the one with the most potential to produce the desired student or participant performance without inappropriate side effects (Scriven and Roth, 1978).
Upgrading:	Training designed to increase the skill level of a presently employed individual or to provide new skills to workers whose present skill levels are becoming obsolete.
Vocational Assessment:	An individual assessment of interests, abilities, aptitudes, values and of the the world of work. Such assessments require an awareness of one's basic vocational self-concept which serves as an orienting factor according to Super (1963). Thus, all the guidance activities used by counselors, such as the measurement of interests, values, and the implementation of programs to increase the client's awareness of the world of work are legitimate activities in this vein.
Vocational Exploration:	Provides experiences to help participants identify and understand their aptitudes, skills, interests, and values. Provides participants with first hand information about careers of interest to them. Arranges opportunities for students to observe and participate in actual or simulated work settings to help them make career decisions and acclimate to work environments. Typical examples include industrial arts and other career exploration activities in the public schools.
Vocational Guidance:	Activities that include efforts to (1) enable participants to make reasoned decisions to enter vocational education programs, (2) provide support for their entry into and subsequent successful program completion, and (3) assist them in taking steps toward their career goals (Indiana State Board of Vocational-Technical Education, 1981).

A PLAN FOR THE IMPLEMENTATION
OF
JTPA JOB CLUBS
BY
VOCATIONAL STUDENT ORGANIZATIONS

AUTHOR

COORDINATING COUNCIL ON VOCATIONAL STUDENT ORGANIZATIONS

CONSULTANT: GEORGE LEAR

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

A

PLAN FOR THE IMPLEMENTATION

OF

JTPA JOB CLUBS

BY

VOCATIONAL STUDENT ORGANIZATIONS

Vocational Industrial Clubs of America, Inc.
P.O. Box 3000
Leesburg, Virginia 22075
(703) 777-8810

PREFACE

This paper has been prepared for the purposes of stimulating discussion and thought on the part of the leadership of the vocational student organizations and of vocational educators nationwide. With the passage of the Job Training Partnership Act, including the concept of "job clubs," an in-depth review of this new legislation is essential if the vocational student organizations are to be involved in this important concept. A number of the chief executive officers of the vocational student organizations have determined that there is a role for the existing organizations in the delivery of job club activities by Private Industry Councils. The following organizations have expressed their intent to be included: OEA, FHA, FBLA, and VICA.

Appreciation is expressed to those persons who have graciously given of their time and suggestions as this legislation has been reviewed. Special appreciation is expressed to Dr. George Lear, Assistant Professor of Education, Vocational Industrial Education, George Mason University, who was the writer and editor of this paper.

As chairman of the National Coordinating Council for Vocational Student Organizations, I express appreciation to the American Vocational Association for its providing a forum for the discussion of concepts included in this document. Readers of this material are invited to send additional suggestions to me at their earliest convenience.

LARRY W. JOHNSON
Chief Executive Officer
Vocational Industrial Clubs of America

PURPOSE AND SCOPE

The purpose and scope of this paper is to provide guidance and direction to individuals concerned or involved with the new Job Training Partnership Act (PL 97-300) at the national, state, and local levels. This document specifically addresses the concept of job clubs and vocational student organizations as they apply to the populations, localities, industries and conditions targeted by the new legislation.

Since vocational student organizations have job skills, leadership, socialization, civic duty, personal pride, and productive employment as major program themes, it is appropriate to explore how these organizations can serve JTPA. Further, the clientele to be trained by JTPA often parallel students served in many regular vocational programs in terms of academic background. As a result, the vocational student organizations are uniquely structured to assist in developing America's new professionals through the Job Training Partnership Act.

This document will begin with a basic introduction to PL 97-300 and a background philosophy on student organizations. The main body of the document will present a national job club advisory organization and several local models or job club programs for state and local job club organizations.

INTRODUCTION TO JTPA

The Big Picture

The Ninety-Seventh Congress passed its 300th piece of legislation -- the Job Training Partnership Act (JTPA) -- to replace the Comprehensive Education and Training Act (CETA). The purpose of this legislation is to establish local programs to prepare its clientele for productive employment. The new JTPA program stresses private industry involvement while restricting and discouraging payments directly to students which were permitted under CETA. The block grants, in which states are directed to coordinate the use of funds with Private Industry Councils (PICs), is the primary funding method. Direct federal involvement will be restricted to the enforcement of program regulations rather than direct program management.

The state governors will receive the grants and designate the service delivery areas within their states. In each delivery area, a council made up of representatives from industry (50%) with some members from education, labor and other public agencies, has almost total control over the program in that area. The council sets policy, establishes procedures, monitors activities, approves training plans and can even hire staff and incorporate itself. Suffice it to say that the themes and nature of training programs in the service delivery areas will be determined by the needs identified by industry representatives on the PICs.

The flow of the funds from the federal government to the local programs is shown in Figure 1.

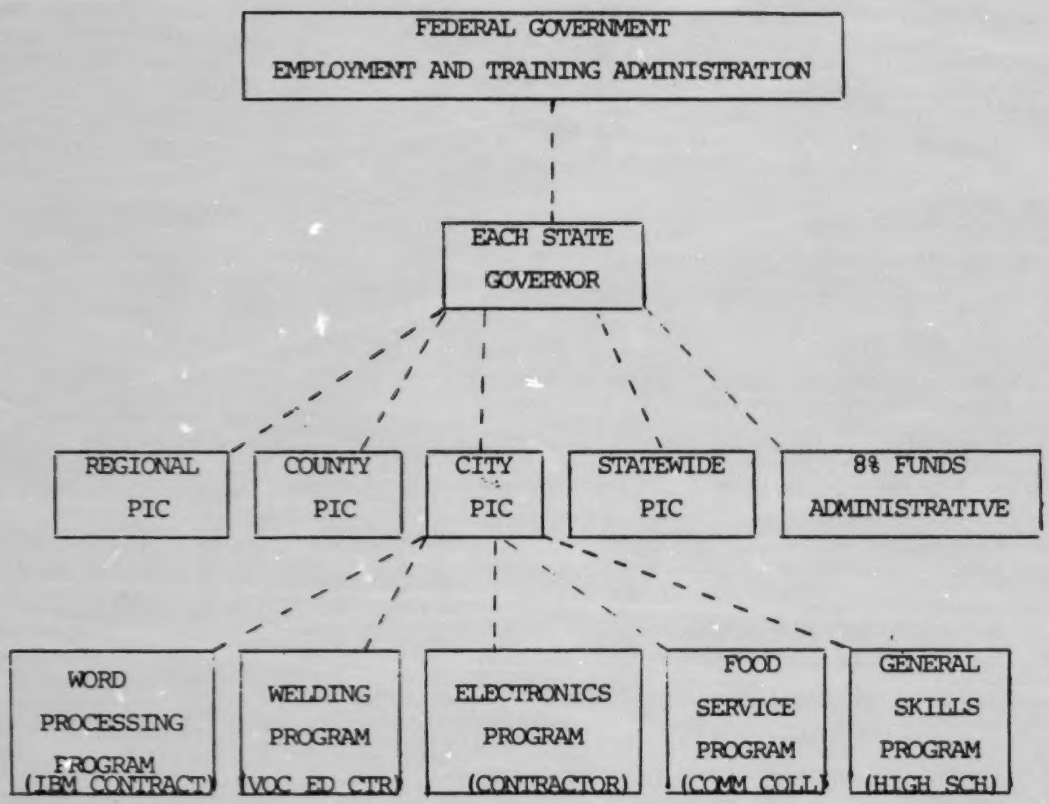


Figure 1. Flow of Funding Reserves from Federal Government to Individual Programs

The Little Picture

The previous section and Figure 1 present a view of JTPA from an overall organizational perspective. From the viewpoint of individuals seeking to be involved with the local specific training programs, the focus must narrow. It should narrow specifically on the Private Industry Council because only these councils can authorize specific training. Programs are authorized through proposal approval, and subsequent inclusion in the two-year Job Training Plan which PICs submit to state government three months prior to the proposed program's initiation. This is to say that if a local vocational program, organization or business identifies a training need and a way to meet that need, they can propose the activity be included for funding in the PIC's Job Training Plan.

Allowable activities to be funded under JTPA are flexible except that the program is a training program and not a jobs-creation or income-providing bill. There are to be no public service jobs created and strict monitoring of funds used for items other than training. In addition, training services and facilities should not duplicate available local services and facilities. The specific training objectives for programs are to be developed or approved by the PICs in light of the needs of clientele to be trained for employment or further vocational education.

Twenty-eight specific suggested activities are identified in the recently published versaion of PL 97-300. These are service activities that represent the spirit of the anticipated opportunities for program clientele. Individual training and service programs will

reflect the types of activities presented here in Section 204 of the law.

USE OF FUNDS

SEC. 204. Services which may be made available to youth and adults with funds provided under this title may include, but need not be limited to—

(1) job search assistance,
(2) job counseling,
(3) remedial education and basic skills training,
(4) institutional skill training,
(5) on-the-job training,
(6) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment,
(7) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply,
(8) outreach to make individuals aware of, and encourage the use of employment and training services,
(9) specialized surveys not available through other labor market information sources,
(10) programs to develop work habits and other services to individuals to help them obtain and retain employment,
(11) supportive services necessary to enable individuals to participate in the program and to assist them in retaining employment for not to exceed 6 months following completion of training,
(12) upgrading and retraining,
(13) education-to-work transition activities,
(14) literacy training and bilingual training,
(15) work experience,
(16) vocational exploration,
(17) attainment of certificates of high school equivalency,
(18) job development,
(19) employment generating activities to increase job opportunities for eligible individuals in the area,
(20) pre-apprenticeship programs,
(21) disseminating information on program activities to employers,
(22) use of advanced learning technology for education, job preparation, and skills training,
(23) development of job openings,
(24) on-site industry-specific training programs supportive of industrial and economic development,
(25) followup services with participants placed in unsubsidized employment,

(26) coordinated programs with other Federal employment-related activities,
(27) needs-based payments necessary to participation in accordance with a locally developed formula or procedure, and
(28) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training.

The clientele to be served include primarily the disadvantaged, especially jobless, school dropouts, and others identified by the PICs as needing training to overcome "barriers to employment." There are a number of specifically targeted populations such as Indians and native Americans, migrant workers, job corps and summer youth program participants, and dislocated workers who will benefit from special programs under JTPA. However, the two main groups to be served are young (16-22), unemployed dropouts and economically disadvantaged (unemployed) adults.

A local specific skill program organization might resemble a program such as the one depicted in Figure 2. This organization chart shows a program director reporting directly the PIC and supported by a staff. Together the director and staff are involved in PIC approved activities serving the targeted clientele.

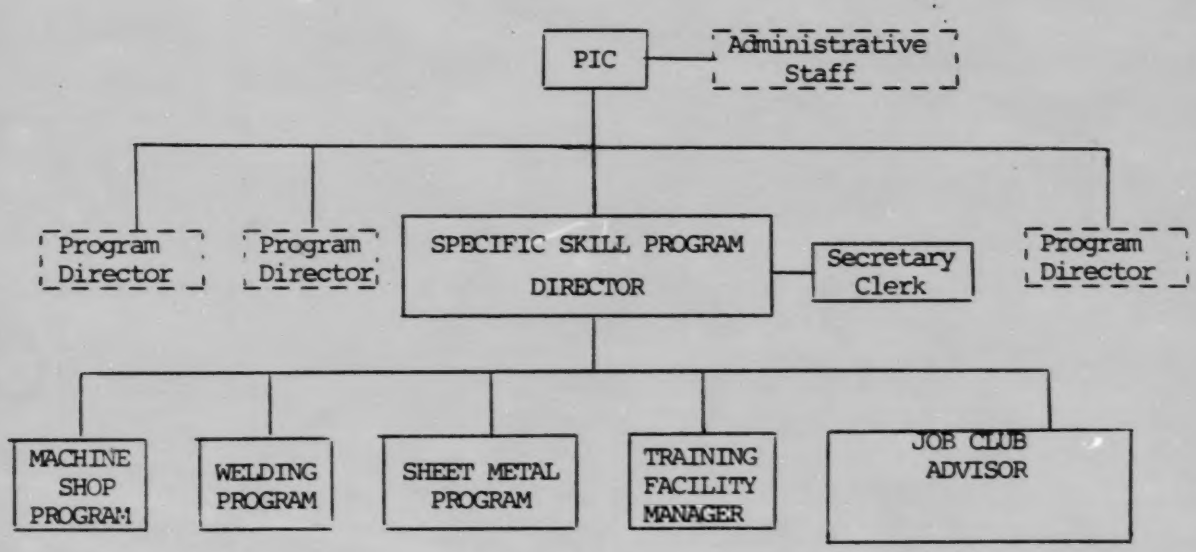


Figure 2. Model JTPA Specific Skill Training Program

Another approach to a JTPA local specific program (Figure 3) may not even contain a skill or employment training component. Rather, it may teach remedial and basic skills, or simply help clients develop good work habits such as punctuality, safety and teamwork. Sometimes, such objectives are called job retention skills or employability skills.

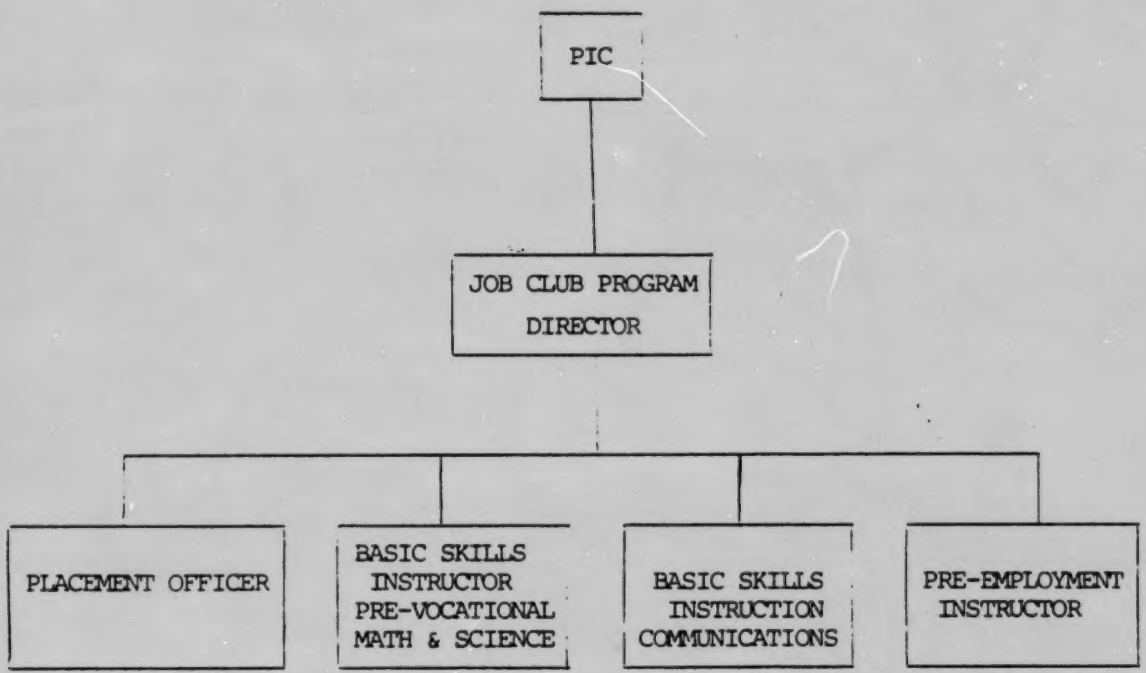


Figure 3. Model Job Retention Skills Program

BACKGROUND PHILOSOPHY OF VOCATIONAL STUDENT ORGANIZATIONS

From the picture of the program presented, it is apparent that the JTPA has objectives that are in almost total harmony with the general objectives of vocational education. This is especially true in those areas of vocational education preparing students directly for employment in business and industrial settings.

One of the most versatile, motivational, and successful features of vocational education are its vocational student organizations, or VSOs. Vocational student organizations are a part of education that build the personal skills, knowledge and attitudes that complement the job skills learned in the classroom, laboratory, or at on-the-job training sites. The VSOs have highly developed programs structured to simultaneoulsy promote personal growth along with employment training.

The philosophy and spirit of both the Job Training Partnership Act and VSOs are very similar and encompass several main points:

- It is important to develop interpersonal, cooperative, and leadership skills within vocational skill training programs.
- Capable (though sometimes disadvantaged) people desire to become part of the productive mainstream of America.
- Business and industry involvement is critical to the employment training process.
- Programs should be tailored to state and local needs within a national framework of support.
- Failure to achieve in traditional scholastic programs is no great barrier to employment opportunity.

- The "club" environment, with the responsibilities of membership, leadership, and self-determination, is an excellent learning tool for pre-employment training.

MODELS AND PROGRAMS FOR JTPA JOB CLUBS

Within the framework of the philosophical principles of the Job Training Partnership Act, vocational student organizations and vocational education in general, the following section of this document will present models and approaches for vocational educators to consider. It is hoped the material presented will stimulate specific responses by vocational educators to PICs to better serve the clientele to be helped by the new legislation.

Job Club - National, State and Program Level

The vocational student organization structures already in existence provide a good model for organizing a national job club movement to serve JTPA clientele. Since the main function of a job club would be to provide information and guidance to clients at the PIC level and specific program level clubs, it is important to have strong organizations at those levels. The following chart (Figure 4) shows how state, PIC, and program level organizations would be structured.

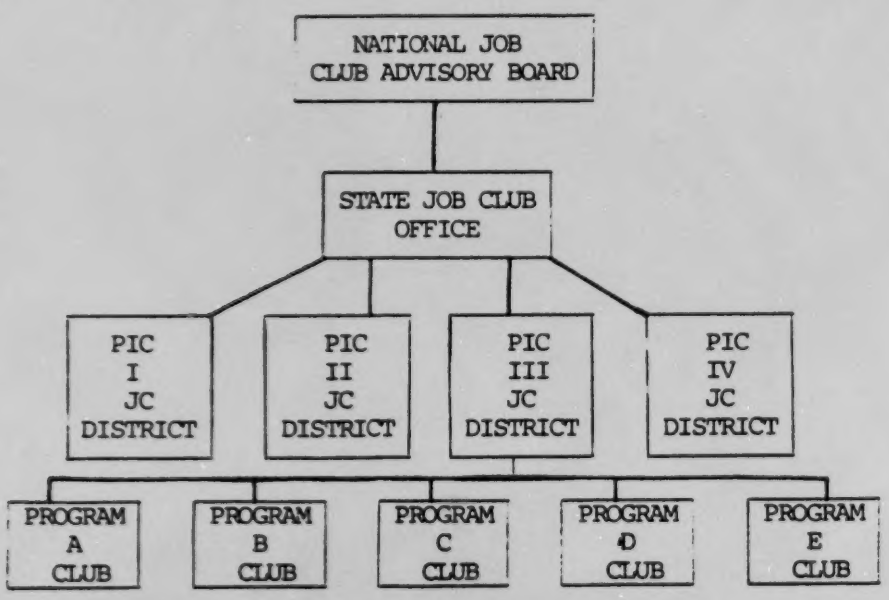


Figure 4. Job Club Organizational Structure

Figure 4 depicts an active state level office, coordinating activities and supporting PIC level job club programs. The major organizational thrusts and themes of job clubs in each state will be developed at the state and PIC levels. This is because JTPA is to meet specific training needs identified at these levels. It is anticipated that the state level job club program would be administered through the state vocational director's office with JTPA funding. At the PIC level, job club coordinating staff would be supported by PIC funds from either training or administrative accounts, depending on the structure of the PIC's organization. At the specific program level, however, job club staff would be supported by training funds since job club activities will be geared to the training and development of clients.

National Job Club Advisory Board

The establishment of a national job club advisory group is needed to assist state level job club staff in carrying out functions identified by the legislation and to serve as a link between JTPA clientele and existing vocational education programs. The national job club advisory board would provide a nationwide structure aimed at many purposes, such as:

- Provide a transition or recruitment program to direct students to career specific training and VSOs.
- Provide an occupational information and career orientation program for use in local JTPA programs.
- Provide model programs for meeting local needs.
- Develop an information network to enable PICs and local programs to share experiences.

- Advise and assist local individual programs and PICs with job club programs and other JTPA activities.
- Develop a national awards program and other national level motivational efforts for JTPA clientele.
- Coordinate national job club and JTPA activities with existing national level vocational student organizations.
- Develop ties with national level businesses and industries.
- Conduct state and PIC level staff training programs.
- Conduct regional and national training workshops, rallies, contests or other appropriate activities for JTPA clientele in coordination with business industry and other VSOs.

The national job club advisory board's membership would be comprised of vocational student organization executive directors representing each participating national organization. In addition, the national job club advisory board could include members from major private sector groups and vocational educators active in JTPA.

All local JTPA programs and associated job clubs have the same general objective -- the preparation of people for entry into productive employment. Because the economic conditions, populations and other factors vary so widely across the country, individual programs will not be structured according to federal specifications, but rather tailored to address local needs within broad federal guidelines. The primary federal theme to be noted, however, in the training programs should be partnerships between the private and government sectors. In this spirit, the following local JC model approaches are offered.

Local Program Models

Conventional Model

Organizationally, local job clubs could easily resemble VSOs with faculty advisors, a corps of elected club officers to lead the members, and a committee network to conduct the program of work. Each club section would be part of a larger regional or state group that functioned under respective national VSOs. These clubs would be active within the training programs authorized by the PICs.

Auxiliary Model

Local job clubs could also be structured as junior, sister, or auxiliary groups associated with existing vocational student organizations, trade unions, religious or other established community groups. For example, an inner-city company, labor union, or community service organization might sponsor a job club to serve JTPA clientele. In this model job club, participants could be based at a single location but may be receiving JTPA training at many other locations in the community.

"Junior" VICA, DECA, Etc. Model

A specfic VSO program serving 14 to 15-year-olds and potential school dropouts could be established after school or on weekends. This junior club would work existing VSOs in order to motivate members to stay in school, choose a career, participate in vocational programs, and join regular VSOs.

Missionary Model

Individual job club "missionaries" could set up store-front locations or use other facilities in the community to serve JTPA clientele with JC programs.

Summer Camp Model

Job club members could participate in an intensive residential or day program that includes recreation time and training sessions.

Exploratory Model

An afternoon job club could be sponsored at a school vocational program for JTPA clients. The purpose of the club would be to conduct an exploratory career information program. Students would indicate a career area preference and be subsequently placed in an existing local VSO, such as VICA, DECA, OEA, or FBLA.

The number of models for local job club organizations or structures is infinitely varied. The national job club advisory board and state job club office would be resources for further models to meet specific local program needs.

SPECIFIC JOB CLUB PROGRAMS

Model programs, features, mottos, creeds, and rules are all to be established toward a single major goal -- productive employment of JTPA clientele. Activities and features of the organization should inform, motivate, challenge, publicize, and otherwise stimulate clientele and prospective employers toward a successful long-term relationship. VSO programs can be used or modified to better serve job club and JTPA purposes while new programs can be developed to meet special needs. The following ideas represent but a few suggestions for job club programs.

Job Club Achievement Program

Students or clients would work toward completing a checklist of appropriate activities, skills, and experiences aimed at gaining employment. Checklists would be developed by PICs and local employers. Awards, rank, or other recognition would be given to clientele as they complete segments of the checklist. Program could resemble VICA's achievement program or even karate's color-coded belt program.

Career Exploration Program

Unemployed clients would participate in a club program that provided rewards and incentives for exploring career fields, participating in career self-awareness programs, and producing realistic career development plans. Such a program, here again, could resemble the VICA achievement program or a similar recognition program.

Community Service Program

JTPA clients could perform volunteer community service work within the club framework. Such activities give members a sense of community responsibility and an opportunity to contribute to, rather than detract from, the community.

Scrapbook Program

Individual, team, and club-level scrapbook development programs targeting jobs, training, and related topics serve as motivational and teaching tools for students. Scrapbooks could be graded or judged and awards or other recognition provided.

Uniform or Dress Program

Utilizing a specific uniform, color, and style of dress is a unifying feature of many organizations. Such an objective at the job club would enhance the goal of teamwork development in JTPA clients. All existing have established and nationally recognized identity which lends itself to this. This provides for "mainstreams" of JTPA clientele which is essential.

Employment Conferences or Festivals

Clubs could invite potential employers to a banquet, conference, or other meeting to present those club members who are "job ready." Members would present themselves, demonstrate skills and respond to potential employer questions.

Technical Skill and Teamwork Skill Contests

Contests could be conducted that test student development in both technical skills and employee relations. Awards could be presented for top honors and for achievement of minimum standards after the contest.

Athletic Contests - Job Club Intramurals

A recreational feature of job clubs could be bowling, basketball, baseball, or other athletic activities. A team of computer maintenance trainees might compete against a group of food service students in basketball, table tennis, and/or other healthy recreational sports.

Job Club Member Exchange or Visit Program

Economically disadvantaged youth, especially inner-city youth, could benefit from the expanded horizons of visiting other working and residential settings. Cooperation between inner-city,

suburban and rural job clubs could be established toward this end. In fact, a national program for member visitation during job-hunting trips to distant locations could be established.

Personal Skills Program

Training programs could be promoted through job clubs to develop clientele skills in money management, transportation, grooming, and relating to others.

Job Seeking Skill Program

Training programs and workshops to develop students' ability to acquire skills, locate job opportunites, produce employment application documents, successfully interview and retain a job could be presented within a job club setting.

Job Information Network Program

Local job club members could gather and share employment opportunity information on a national level. Regional and national reports could be generated using this data. The local job opportunity data gathering exercise, combined with monitoring national and regional openings, should motivate students and guide job seekers.

Vocational Re-Entry Program

Job clubs could have a program or service to assist clients in preparing them to re-enter conventional vocational education programs. Adult job club clients would be prepared to enter postsecondary vocational education at the appropriate community college or technical institute. Younger job club members could

be prepared for re-entry into secondary vocational programs identified by PICs as those where employment opportunity was the greatest.

STATE VOCATIONAL ADMINISTRATOR'S INITIAL JTPA ACTIVITIES

Secondary and postsecondary vocational education programs at the state and local level are equipped to serve JTPA's clients in most cases. It is recommended that state and local administrators identify and promote facilities, trainers, and other available resources in order to share in the JTPA program. This promotion campaign should target two audiences -- the governor's office and the Private Industry Councils established in each state.

First steps would require that state vocational education supervisory administrators update and advise the governor's staff regarding their current and potential program capabilities to serve JTPA clientele. Emphasis should be placed on state level resources such as curriculum development, program specialists, vocational advisory councils and especially vocational student organizations.

Since an allotment of 8% of each state's JTPA funds can be set aside for administration, it is appropriate that state vocational administrators be involved. For a specific example, vocational staff positions to administer JTPA job club activities at the state level are an appropriate expenditure of these 8% moneys. Early coordination and planning with the governor's office is critical if state vocational education programs are to benefit from the opportunity to serve JTPA clientele.

The second group to be informed about vocational education's capabilities are the Private Industry Councils (PICs). Since each PIC will draw a majority of its membership from private industry, it is important that those members be knowledgeable about

vocational training resources in the delivery area the PIC serves. In fact, an excellent plan would be to submit a roster of interested local vocational administrators to the governor for assignment to PICs. Simultaneously, local administrators should be advised of the JTPA program in order to prepare to offer specialized training programs, help with job club activities, and otherwise participate in JTPA.

Job Clubs at the State Level

The job club program at the state level is among the most flexible and useful tools vocational education possesses to serve JTPA clientele. The basic JTPA job club would have career orientation education as a prime focus. In JTPA, job club clients would pursue activities that lead to greater self-awareness, career exploration, aptitude testing, career motivation, general personal skills development, and career training program selection. Having selected a career training program area, the student would affiliate with the VSO serving that vocational area. For example, after participating in JTPA job club activities and selecting a retail sales distribution training program, the student would join DECA. The specific DECA chapter may be associated with an established vocational program or may be a specially chartered program.

However, once students select a career training plan, they participate in the VSO for that program. This is not to say that a student is prohibitied from changing a career training plan if it proves necessary. For instance, our student in the example above could possibly switch from sales and distribution to industrial electronics and consequently be reassigned from DECA to VICA. It

could be a local option for JTPA clients to have their own VSO programs if appropriate. Conceivably, there could be a JTPA Office Education Club in a program where office skills were taught or a VICA Club at a union hall where JTPA clients were learning plumbing.

From the section above, it is apparent that a JTPA job club could serve a role as a pre-vocational orientation and counseling program for students before they enter specific programs and that established VSOs could follow-up by serving students after they choose a career area.

Figure 5 depicts a state's job club organization at both the state and PIC level. Note that the state job club director(s) coordinates closely with existing VSO programs on the state level and may report directly to the state's vocational director.

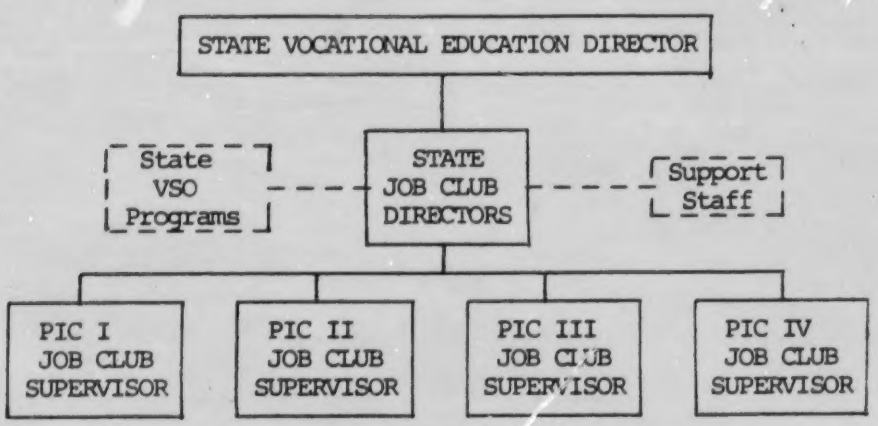

STATE VOCATIONAL EDUCATION DIRECTOR
State VSO Programs
STATE JOB CLUB DIRECTORS
Support Staff
PIC I JOB CLUB SUPERVISOR
PIC II JOB CLUB SUPERVISOR
PIC III JOB CLUB SUPERVISOR
PIC IV JOB CLUB SUPERVISOR

Figure 5. State Job Club Program Organization

Figure 6 is a flow chart showing a student's job club progression from program entry to regular VSO membership. After program entry, a student could begin a basic job club program featuring career orientation activities leading to selection of a specific training program area. During or following specific training, a student would be actively involved with an established vocational student organization. The primary objective of that involvement is job placement or further training toward productive employability.

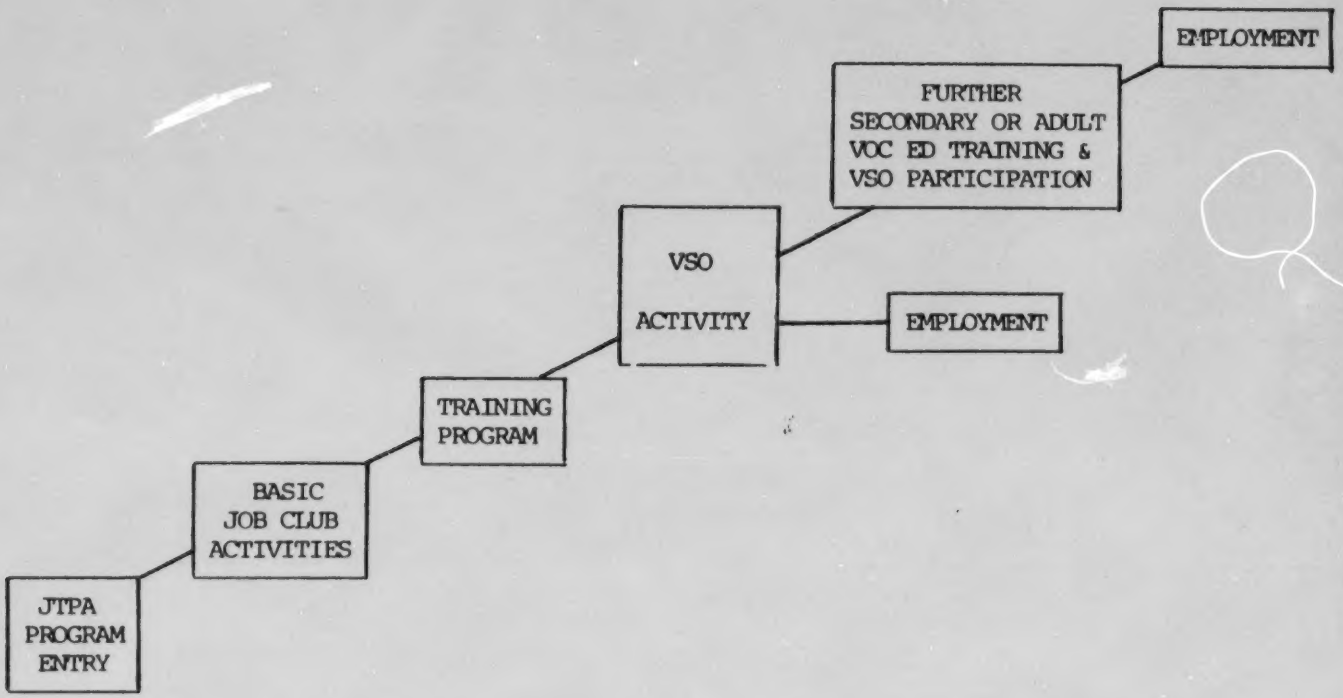


Figure 6. Flow Chart -- Student Job Club Participation

The above programs, activities and models are presented as options for vocational administrators for the kinds of approaches that could be used to attract, retain, and serve the clientele under JTPA.

Summary and Recommendations

Local sections of a national job club could differ widely in organizational structure and programs offered. Professionals in vocational education with great experience in the club concept could contribute immensely to the JTPA program. On this basis, it is recommended that national, state and local job clubs be established as integral components of existing and participating VSOs. In the organization configuration, the job club advisory board would provide national level advice, leadership, and coordination. The bulk of the program's activities, however, would rely on state, PIC, and local staff, along with existing VSO programs to conduct this important motivational and educational endeavor. The importance of a strong relationship between state vocational administrators, PICs, VSOs, and job clubs cannot be over-emphasized. The success of the entire JTPA movement depends on motivating and educating a population that can effectively be served through a cooperative job club effort. It is recommended that each Private Industry Council's overall training plan include a job club program that cooperates with VSOs toward the overall goal of productive employment for JTPA participants.

THE ROLE OF COUNSELING AND GUIDANCE IN THE IMPLEMENTATION OF PL 97-300 JOB TRAINING PARTNERSHIP ACT

AUTHOR

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

DEVELOPED FOR THE

AMERICAN VOCATIONAL ASSOCIATION

DECEMBER 31, 1982

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION
Two Skyline Place, Suite 400 • 5203 Leesburg Pike
Falls Church, Virginia 22041 • Phone: 703/820-4700

COUNSELING AND GUIDANCE BRIEFING SHEET ON JTPA

THE ROLE OF COUNSELING AND GUIDANCE IN THE IMPLEMENTATION OF P.L.97-300, "JOB TRAINING PARTNERSHIP ACT" (JTPA)

SUMMARY OF THE ACT (JTPA)

The JTPA is a training program for the economically disadvantaged and dislocated workers that will replace the CETA program which expired in September 1982. The new Act is designed to encourage business, State and local governments to work together to train and place these workers in permanent, private sector jobs. At least 40% of the funds, adjudicated according to the proportion of youth in the eligible population, must be used to serve youth. A separate part authorizes summer youth employment and training programs.

HIGHLIGHTS OF TECHNICAL ASPECTS

- A permanent authorization. JTPA does not automatically end in five years as did CETA.
- The program is expected to be funded at $3.8 Billion
- The JTPA is to be "advance-funded" as are other education programs, especially of the elementary or secondary type.
- A full 90% of the participants in the program must be economically disadvantaged, while up to 10% do not have to meet this criteria, but meet other barriers to employment, e.g. school dropouts, limited English-speaking proficiency, displaced homemakers, older workers and public offenders.

American Personnel and Guidance Association is Committed to Equal Opportunity.

- There will be a one-year transition period from CETA until JTPA takes effect. The starting date is October 1, 1983. After June 1984 funds will be available on a program year basis July 1-June 30, to facilitate coordination with education and other state and local employment-related programs.
- There will no longer be "Prime Sponsors" (as in CETA), instead the Governor will determine the geographical areas for services and these will be called "Service Delivery Areas". The Governor of a State must approve applications from local units if the unit has a population of 200,000 or more. This includes a voluntary consortia of contiguous local governments with aggregate populations of 200,000 and rural area grantees that served as Prime Sponsors under CETA.
- Private Industry Councils (PICs) are to be established in each "Service Delivery Area". Chief elected officials in each area will select the members of the PIC. Composition of the PIC is as follows:
    a) Majority must represent business and industry and the chairperson must be from business;
    b) Remaining members represent education, rehabilitation agencies, public employment service, and other community-based organizations.
- The Governors will monitor local programs and can place sanctions when compliance is lacking.
- Performance standards will be developed by the U.S. Secretary of Labor based on increased employment and earnings of participants and reductions in welfare dependency.

OF SPECIAL RELEVANCE TO COUNSELORS

Section 204. Use of funds for services which may be made available to youth and adults may include 28 various services that were listed in the law.

The list is not exhaustive. The following is a sampling that is relevant to services provided by various counselors, including guidance, rehabilitation, vocational, employment and mental health:

1) Job search assistance;
2) Job counseling;
3) Outreach to make persons aware of and encourage the use of employment and training services;
4) Specialized surveys not available through labor market information sources;
5) Programs to develop work habits and other services to help them obtain and retain employment;
6) Supportive services necessary to enable persons to participate in the program;
7) Vocational exploration;
8) Job development;
9) Employment generating activities to increase job opportunities for those in the area;
10) Disseminating information on program activities to employees;
11) Development of job openings.

All of the above categories fall directly in the domain of those in the guidance and counseling profession and are the daily activities of specific counselors, e.g. career counseling, vocational counseling, rehabilitation counseling, etc.

Section 205. (Exemplary Youth Programs). In addition to the services mentioned in Section 204, the "Job Training Plan" may, at the option of those preparing the plan, elect to use one or more of the Exemplary Youth Programs. While this entire section has relevance to counselors, the following are highlighted for illustrative purposes:

1) A network of learning centers to provide individual or group instruction in sites such as libraries, schools, neighborhood organizations, etc.
2) Selection of service providers to previously funded in-school and community-based organizations which are cost effective and have demonstrated success.
3) Providing for pre-employment skills for youth aged 14 and 15. Instruction and assessment activities may include the following:
    - Assessment, testing and counseling;
    - Occupational career and vocational exploration;
    - Job search assistance;
    - Job holding and survival skills;
4) School to work transition programs. This could include:
    - Occupational information;
    - Job clubs;
    - Job placement and development;
    - Follow-up.

It is obvious that the heart of the JTPA, as it affects the transition from unemployment-to-training or school-to-employment prospects, relies heavily on the profession of counseling.

Section 114. (Under Program Operation). To receive funds under this title, each State Job Training Program shall establish the following:

1) Linkages with other programs, e.g. State Employment Service Agency, State Vocational Education Agency, State Vocational Rehabilitation Agency, and other State and private agencies concerned with economic development.

Here, too, agencies mentioned usually employ a variety of counselors and counseling specialities. Administrators of the above agencies need to be aware of

the new Act and establish necessary contacts to ensure timely participation in the programs to be developed.

OTHER SIGNIFICANT PROGRAMS

In addition to the focus on disadvantaged adult and youth programs mentioned earlier, JTPA also encompasses other areas of interest to counselors and these include:

- Employment and training assistance for dislocated workers;
- Job Corps as now in CETA continues essentially unchanged;
- Native American and Migrant Programs are retained from CETA;
- Veterans Programs are included in JTPA;
- Research and Demonstration, pilot projects and labor market information studies are also included in the new Act.

IMPLICATIONS FOR COUNSELORS

The Job Training Partnership Act (JTPA) and its mission are geared to providing relevant and timely training to disadvantaged youth and others needing more than the usual training and job development skills. The goal is to prepare persons for employment and self-sufficiency. For these goals to be realized trained counselors in a wide range of counseling specialities must be involved.

To make this program work, professional counseling activities such as testing, career guidance, occupational information, job development, work adjustment training, job placement and follow-up must be available to the beneficiaries of JTPA.

ACTION NEEDED

1. To maximize the involvement of professional counselors we must develop contacts and relationships at all levels -- from the State Houses where major control is focused to the local level where actual service delivery takes place.
2. The role of counseling in the implementation of JTPA is clear. The next step is for counselors and counselor administrators to become thoroughly

familiar with the content of the new Act, P.L.97-300, especially Sections 114, 204 and 205, as they relate to counseling and procedures of counseling.

3. It is important to establish strong contacts at the Governor's office level since JTPA will receive its major direction for state and local programs from this source. It is essential to get named or give direct input to the STATE JOB TRAINING COORDINATING COUNCIL. This should be done as soon as possible!
4. Become involved with the Private Industry Councils (PICs) development of Local Job Training Programs. Counseling representation on the PIC in either an advisory capacity or as a member is essential to full participation.
5. Counselors with special interests in Job Corps, WIN, Employment Service (Wagner-Peyser), Native Americans, migrant workers, some veteran programs and labor market information should carefully scrutinize applicable sections of this new Act.
6. To ensure continuous funding of the counseling dimensions of this Act, careful record-keeping of counseling effectiveness with eligible populations will help justify your involvement in the Local Job Training Plan.
7. If your school district has laid-off or terminated counseling and guidance personnel, be sure to apply for "Dislocated Worker" funds to retrain them for other local district needs.

"JOB TRAINING PARTNERSHIP ACT"

(PL 97-300)

SUMMARY AND OVERVIEW

FOR

VOCATIONAL EDUCATION

Prepared by:

DEAN GRIFFIN
ASSISTANT EXECUTIVE DIRECTOR
FOR GOVERNMENT RELATIONS

AMERICAN VOCATIONAL ASSOCIATION

October 18, 1982

JOB TRAINING PARTNERSHIP ACT
(PL 97-300)
SUMMARY AND OVERVIEW
FOR VOCATIONAL EDUCATION

The following paper provides an anaylsis of the components of PL 97-300, their relationship to each other and the implications this law will have for states and local vocational education programs.

PURPOSE

This act provides funding for job training for economically disadvantaged individuals and others who are in special need of training to begin employment.

SERVICE DELIVERY SYSTEMS

Services will be planned and delivered in service delivery areas. These service delivery areas are established in the following manner:

1. The Governor (upon recommendation of the Job Training Coordinating Council) will designate service delivery areas.

   a. An area within the jurisdiction of general local government with a population of 200,000 or more.

   b. A consortium of contiguous units of general local government with aggregated population of 200,000 or more.

   c. Rural concentrated areas of employment programs grantees under the old "Comprehensive Employment Training Act".

2. Each service delivery area shall organize a Private Industry Council. Membership consisting of:

   a. A majority from the private sector.

   b. Representatives of educational agencies including vocational.

   c. The members of the Private Industry Council will be appointed by the local government designated as a Prime Sponsor under the old CETA legislation.

   d. The Governor shall certify the Private Industry Council.

   e. In states which the service delivery area is a state the State Job Training Council will be adapted to serve as the Private Industry Council.

PROGRAM OPERATION AT THE LOCAL LEVEL

1. The private Industry Council shall:

   a. Provide policy guidance and excerise oversight of activities.

b. Determine procedures for the development of the job training plan, select the grant recipient to administer the job training plan (this recipient will be the recipient of federal funds).

c. Submit the plan to the Governor for approval.

d. Hire staff to carry out the functions of the Private Industry Council.

2. The job training plan shall:

a. Be for two years.

b. Identify administrators of the program and the grant recipient of funds from the state.

c. Describe services to be provided.

d. Establish procedures and performance goals for service providers taking into account past performance in job training and ability to meet performance standards.

e. Describe the coordination required in the service delivery area.

3. The job training plan shall be made available for review and comment by appropriate local educational agencies and institutions, labor, general public and the Governor shall approve the job training plan.

PERFORMANCE STANDARDS

Performance standards are developed by the Secretary of Labor and include the following.

1. For adult training programs: An increase of employment, earnings and a reduction in welfare dependency. Appropriate factors incude:

a. Placement in unsubsidized employment.

b. Retention in unsubsidized employment.

c. Increase in earnings.

d. Reduction in number of individuals and families receiving cash welfare payments and the amount of payments.

2. Prescribed standard for youth programs shall be:

a. Attainment of recognized employment competencies as determined by the Private Industry Council.

b. Elementary, Secondary, Postsecondary completion or the equivalent thereof.

c. Enrollment in other training programs or apprenticeships or enlistment in the armed forces.

3. Variations in the performance standards will be developed by the Secretary of Labor and appropriate methods for obtaining data will be prescribed from the Secretary of Labor.

4. Performance standards for Title III, Employment and Training Assistance for Dislocated Workers, shall be based on placement and retention in unsubsidized employment.

SELECTION OF SERVICE PROVIDERS

The Private Industry Council shall select service providers under the following guidelines:

1. Primary consideration shall be proven effectiveness of the agency or organization in delivering comparable or related services.

2. Funds under this act shall not be used to duplicate facilities or services available in the area from federal state or local sources.

3. Appropriate education agencies and institutions (vocational education) shall be provided the opportunity to provide educational services unless it can be demonstrated that alternative agencies or organizations would be more effective or would have greater potential to enhance the continued occupational and career growth of youth and adults.

4. No occupational skills training programs shall be funded unles the level of skills meet the guidelines established by the Private Industry Council.

ADMINISTRATION

The new law contains administrative procedures and limitations as follows:

1. Not more than 15% of the funds available to a service delivery area may be expended for administration.

2. Not less than 70% of the funds available to a service delivery area under Title II, Part A, Adult and Youth Training Programs, shall be used for training.

3. Not more than 30% may be used for administrative services and other services such as:

a. Half of the cost of work experience programs (100% of the cost of any programs which do not meet the criteria established in this law for work experience programs)

b. Needs based payment necessary for needy individuals to participate in the program. This criteria will be locally developed.

c. Supportive services including transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling and other reasonable expenses required for participation in the training program.

4. Special consideration may be made in a service delivery area to bypass this 70/30 percent split of funds if the Private Industry Council determines that the unemployment rate exceeds the national average by 3% or that special job training plans are required because of a disproportionally high number of participants from groups requireing exceptional services or that costs for providing child care, transportation and other training related activites are unusual.

THE ROLE OF THE GOVERNOR

The Governor's responsibilities shall include:

1. Preparation of an annual statement of goals and objectives for job training and placement programs within the state.

2. Preparation and submission of a two year coordination of special services plan.

3. The development and establishment of criteria for coordinating activities under this act with programs and services provided by states and local education and training agencies including vocational education.

4. Establishing a State Job Training Coordinating Council consisting of:

a. One-third representatives of business and industry, including agricultural.

b. Twenty percent representing state legislatures and state agencies and organizations including the state vocational education board.

c. Twenty percent representing units of consortium of local governments.

d. Twenty percent representing eligible populations of the general public, organized labor, community based organizations and local education organizations nominated by local education agencies.

5. Insuring coordination between the Vocational Education Act of 1963 and the new state council.

6. Establishing the in-state service delivery areas.

7. Reviewing the operations of programs conducted in these service delivery areas.

8. Identifying in coordination with the state vocational education agencies the training and vocational education needs throughout the state and assess the extent to which employment and training and other services represent a consistent and coordinated approach.

9. Comment annually on vocational education plan.

10. Approve the appointment to the Private Industry Council.

11. Allocate 8% of the state funding under Title II, Part A, to the state education agency responsible for education and training.

STATE EDUCATION COORDINATION AND GRANTS (SECTION 123)

The law requires that 8% of the state grants under Title II, Part A, will be set-aside for state education coordination grants. Administratively this means:

1. The Governor receives all funds coming into the state in a block grant.

2. The Governor gives 8% to any state education agency responsible for education and training.

3. The state education agency will reach an agreement with the local administrative entity and education agency or institution delivering services at the local level. Funds then go for programs in the local delivery area based upon this agreement.

4. The state education agency or agencies and local education agencies or institutions delivering services will provide a 50/50 match of funds for at least 80% of the funds in this program.

5. At least 75% of these funds must be expended for economically disadvantaged individuals. The remaining 25% may be utilized for other clientele.

6. At least 80% of the funds in this program will be used to provide education and training including vocational education services to eligible clientele under Title II of this act.

7. Not more than 20% of the funds under this part may be used for coordination of education and training services. These funds may be used for technical assistance or activities such as professional development, job placement, counseling and curriculum development.

LABOR MARKET INFORMATION PROGRAMS

The "Job Training Partnership Act" provides for the Governor to designate the State Occupational Coordinating Committee or other organizational unit to be responsible for managing a statewide comprehensive labor market and occupational supply and demand information system. This system will be linked with the National Occupational Information Coordinating Committee and the linkage with the "Vocational Education Act" is made in the new legislation.

EDUCATIONAL STANDARDS

All education programs for youth supported under Title II, Part A, of this act will be consistent with state and local education standards. The awarding of academic credit, certifying education attainment, certification of teachers and other program requirements shall be applicable to state and local law.

TRANSITION FROM CETA TO THE NEW JOB TRAINING LEGISLATION

The new "Job Training Partnership Act" provides for a transition period (from CETA) to the new legislation of one year. Key dates and activities are as follows:

1. The programs under the "Comprehensive Employment Training Act" will be funded until September 30, 1983.

2. The new programs may be phased in during the coming year subsequent to the phasing out of CETA.

3. Property and the records held by CETA prior to enactment of this law will be transferred no later than October 1, 1983.

4. The Secretary of Labor shall publish regulations governing the establishments of the State Job Training Council prior to January 1, 1983.

5. January 15, 1983 will be the deadline for publishing the regulations governing the establishment of the Private Industry Council.

6. By March 15, 1983 the Secretary of Labor will publish the regulations governing all aspects of programs under Title II of this law.

7. All regulations governing this act will be in place no later than October 1, 1983.

8. Of special note is a provision exempting the Secretary of Labor from all requirements of law regarding rule making procedures. The only requirement is that these rules must be published in the Federal Register for comment 30 days before the rules take effect.

ALLOCATION FORMULA

Each state shall be allocated funds based on the following:

1. 33 1/3 percent allocated on the related number of unemployed individuals.

2. 33 1/3 percent allocated on the basis of unemployed individuals in the state in excess of 4.5 percent of the civilian labor force.

3. 33 1/3 percent allocated on the basis of the related number of economically disadvantaged individuals in the state.

The same formula applies to in-state allocation (the Governor must allocate the funds within the state on the same formula. This formula does not apple to the 8% set-aside for the state education agency.

USE OF FUNDS UNDER TITLE II, PART A

A summary of programs would include but not be limited to:

1. Job search assistance and counseling

2. Remedial education and basic literacy skills and bilingual training.

3. Institutional skill training, work experience and on the job training.

4. Supportive services including payments to needy individuals.

5. Pre-apprenticeship programs.

6. Dissemination of information.

7. Development of job openings.

8. On-site industry specifics training.

9. Coordinating programs with other federal employment related activities.

10. Exemplary youth programs, learning centers, and pre-employment skills training programs for youth 14 and 15 years old.

SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS (Title II, Part B)

This is a separate component of the "Job Training Partnership Act". Characteristics of this component are as follows:

1. A separate authorization -- Such sums as may be necessary.

2. Funds may be used for basic and remedial education, institutional and on the job training, work experience, counseling, out-reach activities, job referral and placement, job search, and job clubs (Vocational Student Organizations).

3. Supportive services necessary for the individual may be funded.

4. These funds can only be spent during the summer months.

5. Youth 14 to 15 years old may be included if appropriate and included in the job training plan.

EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS (Title III)

This separate component of the legislation is designed to provide training funds for programs which will concentrate on dislocated, unemployed workers. Characteristics of this program are as follows:

1. 75% of the funds will be allocated to the states on the same formula as the Title II funds.

2. 25% of the funds may be reserved by the Secretary of Labor to provide training and retraining and job search assistance, placement, relocation assistance and other aid to individuals affected by mass lay-offs, natural disasters or federal policy.

3. Each state will determine procedures for expenditures of their funds and may submit requests to the Secretary of Labor for the Secretary's discretionary fund.

4. The states may or may not use the Private Industry Council established under Title I in these programs.

5. The state funds must be matched by non federal funds and this match may include the direct cost of employment and training services under this Title or under other local and state programs such as vocational education.

6. These funds may be used for supportive services, wages, allowances, stipends and costs of administration of up to 30%.

7. State plans will be developed by the Governor under this Title and funds will be funneled through the Governor.

FEDERALLY ADMINISTERED PROGRAMS (Title IV)

The "Job Training Partnership Act" provides a Title for federally administered programs that includes programs in the following areas:

1. Employment and training programs for native Americans, migrant and seasonal farm workers. (Title IV, Part A)

2. Job Corps (Title IV, Part B)

3. Veterans Employment Programs (Title IV, Part C)

4. National programs including multi-state programs, research and dmonstration, pilot projects, evaluation, training and technical assistance. (Title IV, Part D)

5. Labor Market Information (Title IV, Part E)

6. National Commission for Employment Policy (Title IV, Part F)

7. Training to fulfull the Affirmative Action obligations (Title IV, Part G)

The programs under this will be administered by the Department of Labor. They will be funded up to 7% of the state grants going to the states under Title II.

The exceptions is that Job Corp has its own funding of $618 million.

MISCELLANEOUS AMENDMENTS

AMENDMENTS TO THE WAGNER?PEYSER ACT (TITLE V)

The "Job Training Partnership Act" amends the Wagner/Peyser Act and extends it indefinitely along with other programs contained in this act.

"JOB TRAINING PARTNERSHIP ACT"
PL 97-300

AUTHORIZATIONS

Title II, Part A		
Adult and Youth Programs	Such sums as necessary	
State Education Coordination Grants (Section 123)	8%	
Training Programs for Older Individuals (Section 124)	3%	
Governor's Incentive Grants (Funds reserved to provide additional resources to those exceeding performance standards)	6%	
Governor's Administrative Fund	5%	
Total set-aside	22%	
Allocated out to service delivery areas in states by formula	78%	
Title II, Part B		
Summer Youth Employment and Training Programs	Such sums as necessary	
Title III		
Employment and Training Assistance for Dislocated Workers	Such sums as necessary	
Title IV		
Part B - Job Corps	$618 million for FY83 Thereafter - such sums as necessary	
Part A- Native Americans and Migrants		Equates to 7% of Total of Title II, Part A
Part C - Veterans (5% of total)		
Part D - National Activities		
Part E - Labor Market Information		
Part F - National commission for Employment Policy ($2 million)		
Part G - Affirmative Action Obligations		

Job Training Partnership Act

*(**Editor's Note:** Following is the text of the Job Training Partnership Act (JTPA), P.L. 97-300, which replaces CETA. Signed by the president on October 13, 1982, JTPA takes effect in FY 1984. Until then, CETA provisions remain effective.)*

An Act

To provide for a job training program and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Job Training Partnership Act".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of purpose.
Sec. 3. Authorization of appropriations.
Sec. 4. Definitions.

TITLE I—JOB TRAINING PARTNERSHIP

PART A—SERVICE DELIVERY SYSTEMS

Sec. 101. Establishment of service delivery areas.
Sec. 102. Establishment of private industry council.
Sec. 103. Functions of private industry council.
Sec. 104. Job training plan.
Sec. 105. Review and approval of plan.
Sec. 106. Performance standards.
Sec. 107. Selection of service providers.
Sec. 108. Limitation on certain costs.

PART B—ADDITIONAL STATE RESPONSIBILITIES

Sec. 121. Governor's coordination and special services plan.
Sec. 122. State job training coordinating council.
Sec. 123. State education coordination and grants.
Sec. 124. Training programs for older individuals.
Sec. 125. State labor market information programs.
Sec. 126. Authority of State legislature.
Sec. 127. Interstate agreements.

PART C—PROGRAM REQUIREMENTS FOR SERVICE DELIVERY SYSTEMS

Sec. 141. General program requirements.
Sec. 142. Benefits.
Sec. 143. Labor standards.
Sec. 144. Grievance procedure.
Sec. 145. Prohibition against Federal control of education.

PART D—FISCAL AND FISCAL ADMINISTRATIVE PROVISIONS

Sec. 161. Program year.
Sec. 162. Prompt allocation of funds.
Sec. 163. Monitoring.
Sec. 164. Fiscal controls; sanctions.
Sec. 165. Reports, recordkeeping, and investigations.
Sec. 166. Administrative adjudication.
Sec. 167. Nondiscrimination.
Sec. 168. Judicial review.
Sec. 169. Administrative provisions.
Sec. 170. Utilization of services and facilities.
Sec. 171. Obligational authority.

PART E—MISCELLANEOUS PROVISIONS

Sec. 181. Transition.
Sec. 182. Criminal provisions.
Sec. 183. Reference.
Sec. 184. Repealers.

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

PART A—ADULT AND YOUTH PROGRAMS

Sec. 201. Allotment.
Sec. 202. Within State allocation.
Sec. 203. Eligibility for services.
Sec. 204. Use of funds.
Sec. 205. Exemplary youth programs.

PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

Sec. 251. Authorization of appropriations; allotment and allocation.
Sec. 252. Use of funds.
Sec. 253. Limitations.
Sec. 254. Applicable provisions.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

Sec. 301. Allocation of funds.
Sec. 302. Identification of dislocated workers.
Sec. 303. Authorized activities.
Sec. 304. Matching requirement.
Sec. 305. Program review.
Sec. 306. Consultation with labor organizations.
Sec. 307. Limitations.
Sec. 308. State plans; coordination with other programs.

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

Sec. 401. Native American programs.
Sec. 402. Migrant and seasonal farmworker programs.

PART B—JOB CORPS

Sec. 421. Statement of purpose.
Sec. 422. Establishment of the Job Corps.
Sec. 423. Individuals eligible for the Job Corps.
Sec. 424. Screening and selection of applicants: general provisions.
Sec. 425. Screening and selection: special limitations.
Sec. 426. Enrollment and assignment.
Sec. 427. Job Corps centers.
Sec. 428. Program activities.
Sec. 429. Allowances and support.
Sec. 430. Standards of conduct.
Sec. 431. Community participation.
Sec. 432. Counseling and job placement.
Sec. 433. Experimental and developmental projects and coordination with other programs.
Sec. 434. Advisory boards and committees.
Sec. 435. Participation of the States.
Sec. 436. Application of provisions of Federal law.
Sec. 437. Special provisions.
Sec. 438. General provisions.
Sec. 439. Donations.

PART C—VETERANS' EMPLOYMENT PROGRAMS

Sec. 441. Programs authorized.

PART D—NATIONAL ACTIVITIES

Sec. 451. Multistate programs.
Sec. 452. Research and demonstration.
Sec. 453. Pilot projects.
Sec. 454. Evaluation.
Sec. 455. Training and technical assistance.

PART E—LABOR MARKET INFORMATION

Sec. 461. Labor market information; availability of funds.
Sec. 462. Cooperative labor market information program.
Sec. 463. Special Federal responsibilities.
Sec. 464. National Occupational Information Coordinating Committee.
Sec. 465. Job bank program.

PART F—NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Sec. 471. Statement of purpose.
Sec. 472. Commission established.
Sec. 473. Functions of the Commission.
Sec. 474. Administrative provisions.
Sec. 475. Reports.

PART G—TRAINING TO FULFILL AFFIRMATIVE ACTION OBLIGATIONS

Sec. 481. Affirmative action.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to the Wagner-Peyser Act.
Sec. 502. Amendments to part C of title IV of the Social Security Act.
Sec. 503. Earnings disregard.
Sec. 504. Enforcement of Military Selective Service Act.

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment.

AUTHORIZATION OF APPROPRIATIONS

Sec. 3. (a)(1) There are authorized to be appropriated to carry out part A of title II and title IV (other than part B of such title) such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year.

(2) From the amount appropriated pursuant to paragraph (1) for any fiscal year, an amount equal to not more than 7 percent of the total amount appropriated pursuant to this section shall be available to carry out parts A, C, D, E, F, and G of title IV.

(3) Of the amount so reserved under paragraph (2)—

(A) 5 percent shall be available for part C of title IV, and

(B) $2,000,000 shall be available for part F of title IV.

(b) There are authorized to be appropriated to carry out part B of title II such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year.

(c) There are authorized to be appropriated to carry out title III such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year.

(d) There are authorized to be appropriated $618,000,000 for fiscal year 1983, and such sums as may be necessary for each succeeding fiscal year, to carry out part B of title IV of this Act.

(e) The authorizations of appropriations contained in this section are subject to the program year provisions of section 161.

DEFINITIONS

Sec. 4. For the purposes of this Act, the following definitions apply:

(1) The term "academic credit" means credit for education, training, or work experience applicable toward a secondary school diploma, a postsecondary degree, or an accredited certificate of completion, consistent with applicable State law and regulation and the requirements of an accredited educational agency or institution in a State.

(2) The term "administrative entity" means the entity designated to administer a job training plan under section 103(b)(1)(B).

(3) The term "area of substantial unemployment" means any area of sufficient size and scope to sustain a program under part A of title II of this Act and which has an average rate of unemployment of at least 6.5 percent for the most recent twelve months as determined by the Secretary. Determinations of areas of substantial unemployment shall be made once each fiscal year.

(4) The term "chief elected official" includes—

(A) in the case of a State, the Governor;

(B) in the District of Columbia, the mayor; and

(C) in the case of a service delivery area designated under section 101(a)(4)(A)(iii), the governing body.

(5) The term "community-based organizations" means private nonprofit organizations which are representative of communities or significant segments of communities and which provide job training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, National Council of La Raza, 70,001, Jobs for Youth, organizations operating career intern programs, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in section 7(10) of the Rehabilitation Act of 1973), agencies serving youth, agencies serving the handicapped, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations), and organizations serving nonreservation Indians (including the National Urban Indian Council), as well as tribal governments and Native Alaskan groups.

(6) Except as otherwise provided therein, the term "council" means the private industry council established under section 102.

(7) The term "economic development agencies" includes local planning and zoning commissions or boards, community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

(8) The term "economically disadvantaged" means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) is receiving food stamps pursuant to the Food Stamp Act of 1977; (D) is a foster child on behalf of whom State or local government payments are made; or (E) in cases permitted by regulations of the Secretary, is an adult handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements.

(9) The term "Governor" means the chief executive of any State.

(10) The term "handicapped individual" means any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

(11) The term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(12) The term "institution of higher education" means any institution of higher education as that term is defined in section 1201(a) of the Higher Education Act of 1965.

(13) The term "labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such areas shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(14) The term "local educational agency" means such an agency as defined in section 195(10) of the Vocational Education Act of 1963.

(15) The term "low-income level" means $7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(16) The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.

(17) The term "offender" means any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services under this Act may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(18) The term "postsecondary institution" means an institution of higher education as that term is defined in section 481(a)(1) of the Higher Education Act of 1965.

(19) The term "private sector" means, for purposes of the State job training councils and private industry councils, persons who are owners, chief executives or chief operating officers of private for-profit employers and major nongovernmental employers, such as health and educational institutions or other executives of such employers who have substantial management or policy responsibility.

(20) The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(21) The term "Secretary" means the Secretary of Labor.

(22) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(23) The term "State educational agency" means such an agency as defined in section 195(11) of the Vocational Education Act of 1963.

(24) The term "supportive services" means services which are necessary to enable an individual eligible for training under

this Act, but who cannot afford to pay for such services, to participate in a training program funded under this Act. Such supportive services may include transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, and other reasonable expenses required for participation in the training program and may be provided in-kind or through cash assistance.

(25) The term "unemployed individuals" means individuals who are without jobs and who want and are available for work. The determination of whether individuals are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(26) The term "unit of general local government" means any general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(27)(A) The term "veteran" means an individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(B) The term "disabled veteran" means (i) a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or (ii) an individual who was discharged or released from active duty because of service-connected disability.

(28) The term "vocational education" has the meaning provided in section 195(1) of the Vocational Education Act of 1963.

TITLE I—JOB TRAINING PARTNERSHIP

PART A—SERVICE DELIVERY SYSTEM

ESTABLISHMENT OF SERVICE DELIVERY AREAS

SEC. 101. (a)(1) The Governor shall, after receiving the proposal of the State job training coordinating council, publish a proposed designation of service delivery areas for the State each of which—

(A) is comprised of the State or one or more units of general local government;

(B) will promote effective delivery of job training services; and

(C)(i) is consistent with labor market areas or standard metropolitan statistical areas, but this clause shall not be construed to require designation of an entire labor market area; or

(ii) is consistent with areas in which related services are provided under other State or Federal programs.

(2) The Council shall include in its proposal a written explanation of the reasons for designating each service delivery area.

(3) Units of general local government (and combinations thereof), business organizations, and other affected persons or organizations shall be given an opportunity to comment on the proposed designation of service delivery areas and to request revisions thereof.

(4)(A) The Governor shall approve any request to be a service delivery area from—

(i) any unit of general local government with a population of 200,000 or more;

(ii) any consortium of contiguous units of general local government with an aggregate population of 200,000 or more which serves a substantial part of a labor market area; and

(iii) any concentrated employment program grantee for a rural area which served as a prime sponsor under the Comprehensive Employment and Training Act.

(B) The Governor may approve a request to be a service delivery area from any unit of general local government or consortium of contiguous units of general local government, without regard to population, which serves a substantial portion of a labor market area.

(C) If the Governor denies a request submitted under subparagraph (A) and the entity making such request alleges that the decision of the Governor is contrary to the provisions of this section, such entity may appeal the decision to the Secretary, who shall make a final decision within 30 days after such appeal is received.

(b) The Governor shall make a final designation of service delivery areas within the State. Before making a final designation of service delivery areas for the State, the Governor shall review the comments submitted under subsection (a)(3) and requests submitted under subsection (a)(4).

(c)(1) In accordance with subsection (a), the Governor may redesignate service delivery areas no more frequently than every two years. Such redesignations shall be made not later than 4 months before the beginning of a program year.

(2) Subject to paragraph (1), the Governor shall make such a redesignation if a petition to do so is filed by an entity specified in subsection (a)(4)(A).

(3) The provisions of this subsection are subject to section 105(c).

ESTABLISHMENT OF PRIVATE INDUSTRY COUNCIL

SEC. 102. (a) There shall be a private industry council for every service delivery area established under section 101, to be selected in accordance with this subsection. Each council shall consist of—

(1) representatives of the private sector, who shall constitute a majority of the membership of the council and who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility; and

(2) representatives of educational agencies (representative of all educational agencies in the service delivery area), organized labor, rehabilitation agencies, community-based organizations, economic development agencies, and the public employment service.

(b) The Chairman of the council shall be selected from among members of the council who are representatives of the private sector.

(c)(1)(A) Private sector representatives on the council shall be selected from among individuals nominated by general purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the service delivery area. The number of such nominations shall be at least 150 percent of the number of individuals to be appointed under subsection (a)(1). Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business.

(B) For the purpose of this paragraph, the term—

(i) "general purpose business organizations" means organizations which admit to membership any for-profit business operating within the service delivery area; and

(ii) "small business" means private for-profit enterprises employing 500 or fewer employees.

(2) Education representatives on the council shall be selected from among individuals nominated by local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies or institutions, and by private and proprietary schools or general organizations of such schools, within the service delivery area.

(3) The remaining members of the council shall be selected from individuals recommended by interested organizations. Labor representatives shall be recommended by recognized State and local labor organizations or appropriate building trades councils.

(d)(1) In any case in which there is only one unit of general local government with experience in administering job training programs within the service delivery area, the chief elected official of that unit shall appoint members to the council from the individuals nominated or recommended under subsection (c).

(2) In any case in which there are two or more such units of general local government in the service delivery area, the chief elected officials of such units shall appoint members to the council from the individuals so nominated or recommended in accordance with an agreement entered into by such units of general local government. In the absence of such an agreement, the appointments shall be made by the Governor from the individuals so nominated or recommended.

(e) The initial number of members of the council shall be determined—

(1) by the chief elected official in the case described in subsection (d)(1),

(2) by the chief elected officials in accordance with the agreement in the case described in subsection (d)(2), or

(3) by the Governor in the absence of such agreement.

Thereafter, the number of members of the council shall be determined by the council.

(f) Members shall be appointed for fixed and staggered terms and may serve until their successors are appointed. Any vacancy in the membership of the council shall be filled in the same manner as the original appointment. Any member of the council may be removed for cause in accordance with procedures established by the council.

(g) The Governor shall certify a private industry council if the Governor determines that its composition and appointments are consistent with the provisions of this subsection. Such certification shall be made or denied within 30 days after the date on which a list

of members and necessary supporting documentation are submitted to the Governor. When the Governor certifies the council, it shall be convened within 30 days by the official or officials who made the appointments to such council under subsection (d).

(h) In any case in which the service delivery area is a State, the State job training coordinating council or a portion of such council may be reconstituted to meet the requirements of this section.

FUNCTIONS OF PRIVATE INDUSTRY COUNCIL

Sec. 103. (a) It shall be the responsibility of the private industry council to provide policy guidance for, and exercise oversight with respect to, activities under the job training plan for its service delivery area in partnership with the unit or units of general local government within its service delivery area.

(b)(1) The council, in accordance with an agreement or agreements with the appropriate chief elected official or officials specified in subsection (c), shall—

(A) determine procedures for the development of the job training plan, which may provide for the preparation of all or any part of the plan (i) by the council, (ii) by any unit of general local government in the service delivery area, or by an agency thereof, or (iii) by such other methods or institutions as may be provided in such agreement; and

(B) select as a grant recipient and entity to administer the job training plan (which may be separate entities), (i) the council, (ii) a unit of general local government in its service delivery area, or an agency thereof, (iii) a nonprofit private organization or corporation, or (iv) any other agreed upon entity or entities.

(2) The council is authorized to provide oversight of the programs conducted under the job training plan in accordance with procedures established by the council. In order to carry out this paragraph, the council shall have access to such information concerning the operations of such programs as is necessary.

(c) For purposes of subsection (b), the appropriate chief elected official or officials means—

(1) the chief elected official of the sole unit of general local government in the service delivery area,

(2) the individual or individuals selected by the chief elected officials of all units of general local government in such area as their authorized representative, or

(3) in the case of a service delivery area designated under section 104(a)(4)(A)(iii), the representative of the chief elected official for such area (as defined in section 4(4)(C)).

(d) No job training plan prepared under section 104 may be submitted to the Governor unless (1) the plan has been approved by the council and by the appropriate chief elected official or officials specified in subsection (c), and (2) the plan is submitted jointly by the council and such official or officials.

(e) In order to carry out its functions under this Act, the council—

(1) shall, in accordance with the job training plan, prepare and approve a budget for itself, and

(2) may hire staff, incorporate, and solicit and accept contributions and grant funds (from other public and private sources).

(f) As used in this section, the term "oversight" means reviewing, monitoring, and evaluating.

JOB TRAINING PLAN

Sec. 104. (a) No funds appropriated for any fiscal year may be provided to any service delivery area under this Act except pursuant to a job training plan for two program years which is prepared in accordance with section 103 and which meets the requirements of this section.

(b) Each job training plan shall contain—

(1) identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

(2) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

(3) procedures for identifying and selecting participants and for eligibility determination and verification;

(4) performance goals established in accordance with standards prescribed under section 106;

(5) procedures, consistent with section 107, for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

(6) the budget for two program years and any proposed expenditures for the succeeding two program years, in such detail as is determined necessary by the entity selected to prepare this portion of the plan pursuant to section 103(b)(1)(B) and to meet the requirements of section 108;

(7) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

(8) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of individual service delivery area programs, including—

(A) assessments of needs and problems in the labor market that form the basis for program planning;

(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

(9) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this title; and

(10) procedures for the preparation and submission of an annual report to the Governor which shall include—

(A) a description of activities conducted during the program year;

(B) characteristics of participants; and

(C) the extent to which the activities exceeded or failed to meet relevant performance standards.

(c) If changes in labor market conditions, funding, or other factors require substantial deviation from an approved job training plan, the private industry council and the appropriate chief elected official or officials (as described in section 103(c)) shall submit a modification of such plan (including modification of the budget under subsection (b)(6)), which shall be subject to review in accordance with section 105.

REVIEW AND APPROVAL OF PLAN

Sec. 105. (a)(1) Not less than 120 days before the beginning of the first of the two program years covered by the job training plan—

(A) the proposed plan or summary thereof shall be published; and

(B) such plan shall be made available for review and comment to—

(i) each house of the State legislature for appropriate referral;

(ii) appropriate local educational and other public agencies in the service delivery area; and

(iii) labor organizations in the area which represent employees having the skills in which training is proposed; and

(C) such plan shall be reasonably available to the general public through such means as public hearings and local news facilities.

(2) The final plan, or a summary thereof, shall be published not later than 90 days before the first of the two program years and shall be submitted to the Governor in accordance with section 103(d)(2). Any modification shall be published not later than 90 days before it is effective and shall be submitted to the Governor in accordance with such section.

(b)(1) The Governor shall approve the job training plan or modification thereof unless he finds that—

(A) corrective measures for deficiencies found in audits or in meeting performance standards from previous years have not been taken or are not acceptably underway;

(B) the entity proposed to administer the program does not have the capacity to administer the funds;

(C) there are inadequate safeguards for the protection of funds received;

(D) the plan (or modification) does not comply with a particular provision or provisions of this Act or of regulations of the Secretary under this Act; or

(E) the plan (or modification) does not comply with the criteria under section 121(b) for coordinating activities under this Act with related program activities.

(2) The Governor shall approve or disapprove a job training plan (or modification) within 30 days after the date that the plan (or modification) is submitted, except that if a petition is filed under paragraph (3) such period shall be extended to 45 days. Any disapproval by the Governor may be appealed to the Secretary, who shall make a final decision of whether the Governor's disapproval complies with paragraph (1) of this subsection within 45 days after receipt of the appeal.

(3)(A) Interested parties may petition the Governor within 15 days of the date of submission for disapproval of the plan or modification thereof if—

(i) the party can demonstrate that it represents a substantial client interest,

(ii) the party took appropriate steps to present its views and seek resolution of disputed issues prior to submission of the plan to the Governor, and

(iii) the request for disapproval is based on a violation of statutory requirements.

(B) If the Governor approves the plan (or modification), the Governor shall notify the petitioner in writing of such decision and the reasons therefor.

(c)(1) If a private industry council and the appropriate chief elected official or officials fail to reach the agreement required under section 103 (b) or (d) and, as a consequence, funds for a service delivery area may not be made available under section 104, then the Governor shall redesignate, without regard to sections 101 (a)(4) and (c)(1), the service delivery areas in the State to merge the affected area into one or more other service delivery areas, in order to promote the reaching of agreement.

(2) In any State in which service delivery areas are redesignated under paragraph (1), private industry councils shall, to the extent necessary for the redesignation, be reconstituted and job training plans modified as required to comply with sections 102 and 103. Services under an approved plan shall not be suspended while the council is reconstituted and the plan is modified.

(d) In any case in which the service delivery area is a State, the plan (or modification) shall be submitted to the Secretary for approval. For the purpose of this subsection, the Secretary shall have the same authority as the Governor has under this section.

PERFORMANCE STANDARDS

SEC. 106. (a) The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

(1) it is essential that criteria for measuring the return on this investment be developed; and

(2) the basic return on the investment is to be measured by the increased employment and earnings of participants and the reductions in welfare dependency.

(b)(1) The basic measure of performance for adult training programs under title II is the increase in employment and earnings and the reductions in welfare dependency resulting from participation in the program. In order to determine whether these basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include (A) placement in unsubsidized employment, (B) retention in unsubsidized employment, (C) the increase in earnings, including hourly wages, and (D) reduction in the number of individuals and families receiving cash welfare payments and the amounts of such payments.

(2) In prescribing standards under this section the Secretary shall also designate factors for evaluating the performance of youth programs which, in addition to appropriate utilization of the factors described in paragraph (1), shall be (A) attainment of recognized employment competencies recognized by the private industry council, (B) elementary, secondary, and postsecondary school completion, or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces.

(3) The standards shall include provisions governing—

(A) the base period prior to program participation that will be used;

(B) a representative period after termination from the program that is a reasonable indicator of postprogram earnings and cash welfare payment reductions; and

(C) cost-effective methods for obtaining such data as is necessary to carry out this section, which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, Federal Insurance Contributions Act records, State aid to families with dependent children records, statistical sampling techniques, and similar records or measures.

(4) The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures.

(c) Within six months after the date of the enactment of this Act, the Secretary shall establish initial performance standards which are designed to contribute to the achievement of the performance goals set forth in subsection (b)(1), based upon data accumulated under the Comprehensive Employment and Training Act, from the National Commission for Employment Policy, and from other appropriate sources. In the development of the initial standards under this subsection, the Secretary shall relate gross program expenditures to the accomplishment of program goals set forth in subsection (b)(1).

(d)(1) The Secretary shall, not later than January 31, 1984, prescribe performance standards for the first program year under this Act to measure the results of the participation in the program to achieve the goals set forth in subsection (b)(1) based upon the initial standards established in subsection (c).

(2) The Secretary, not later than six months after the completion of the first two program years, shall prepare and submit a report to the Congress containing the performance standards established under paragraph (1) of this subsection, together with an analysis of the manner in which the performance standards contribute to the achievement of the goals set forth in subsection (b)(1), including the relative importance of each standard to the accomplishment of such goals.

(3) The Secretary shall prescribe variations in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, and ex-offenders, taking into account their special circumstances.

(4)(A) The Secretary may modify the performance standards under this subsection not more often than once every two program years and such modifications shall not be retroactive.

(B) The Secretary shall prepare and submit a report to the Congress containing any modifications established under subparagraph (A), and the reasons for such modifications.

(e) Each Governor may prescribe, within parameters established by the Secretary, variations in the standards under this subsection based upon specific economic, geographic, and demographic factors in the State and in service delivery areas within the State, the characteristics of the population to be served, and the type of services to be provided.

(f) The National Commission for Employment Policy shall (1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (e), (2) evaluate the usefulness of such standards as measures of desired performance, and (3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

(g) The Secretary shall prescribe performance standards for programs under title III based on placement and retention in unsubsidized employment.

(h)(1) The Governor shall provide technical assistance to programs which do not meet performance criteria. If the failure to meet performance standards persists for a second year, the Governor shall impose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated service providers or make such other changes as the Governor deems necessary to improve performance. The Governor may also select an alternate entity to administer the program for the service delivery area.

(2) The alternate administrative entity may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area.

(3) No change may be made under this subsection without an opportunity for a hearing before a hearing officer.

(4) The decision of the Governor may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.

SELECTION OF SERVICE PROVIDERS

SEC. 107. (a) The primary consideration in selecting agencies or organizations to deliver services within a service delivery area shall be the effectiveness of the agency or organization in delivering comparable or related services based on demonstrated performance, in terms of the likelihood of meeting performance goals, cost, quality of training, and characteristics of participants. In complying with this subsection, proper consideration shall be given to community-based organizations as service providers.

(b) Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve the service delivery area's performance goals.

(c) Appropriate education agencies in the service delivery area shall be provided the opportunity to provide educational services, unless the administrative entity demonstrates that alternative agencies or organizations would be more effective or would have greater potential to enhance the participants' continued occupational and career growth.

(d) The administrative entity shall not fund any occupational skills training program unless the level of skills provided in the program are in accordance with guidelines established by the private industry council.

LIMITATION ON CERTAIN COSTS

SEC. 108. (a) Not more than 15 percent of the funds available to a service delivery area for any fiscal year for programs under part A of title II may be expended for the cost of administration. For purposes of this paragraph, costs of program support (such as counseling) which are directly related to the provision of education or training and such additional costs as may be attributable to the development of training described in section 204(23) shall not be counted as part of the cost of administration.

(b)(1) Not more than 30 percent of the funds available to a service delivery area for any fiscal year for programs under part A of title II may be expended for administrative costs (as defined under subsection (a)) and costs specified in paragraph (2).

(2)(A) For purposes of paragraph (1), the costs specified in this paragraph are—

(i) 50 percent of any work experience expenditures which meet the requirements of paragraph (3);

(ii) 100 percent of the cost of any work experience program expenditures which do not meet the requirements of paragraph (3);

(iii) supportive services; and

(iv) needs-based projects described in section 204(27).

(B) For purposes of paragraph (1), the costs specified in this paragraph do not include expenditures for tryout employment which meets the requirements of section 205(d)(3)(B).

(3) For purposes of paragraph (2), a work experience expenditure meets the requirements of this paragraph if—

(A) the work experience is of not more than 6 months' duration and is combined with a classroom or other training program;

(B) an individual participant is prohibited from participating in any other work experience program following participation in a program meeting the requirements of this paragraph;

(C) the classroom or other training program component is specified in a preemployment contract or meets established academic standards; and

(D) wages paid in the work experience program do not exceed the prevailing entry-level wage for the same occupation in the same labor market area.

(c)(1) Notwithstanding subsection (b), expenditures may be made in excess of the limitation contained in such subsection if such expenditures are made in accordance with the requirements of this subsection.

(2) Expenditures may be made in excess of the limitation contained in subsection (b) in any service delivery area if—

(A) the private industry council for such area initiates a request for such excess costs; and

(B) excess costs are due to one or more of the following conditions in such area:

(i) an unemployment rate (in the service delivery area or that portion within which services resulting in excess costs are to be provided) which exceeds the national average unemployment rate by at least 3 percentage points, and the ratio of current private employment to population in such area or portion is less than the national average of such ratio;

(ii) the job training plan for such area proposes to serve a disproportionately high number of participants from groups requiring exceptional supportive service costs, such as handicapped individuals, offenders, and single heads of households with dependent children;

(iii) the cost of providing necessary child care exceeds one-half of the costs specified in paragraph (2) of subsection (b);

(iv) the costs of providing necessary transportation exceeds one-third of the costs specified in paragraph (2) of subsection (b); or

(v) a substantial portion of the participants in programs in the service delivery area are in training programs of 9 months' duration or more.

(3) Expenditures may be made in excess of the limitation contained in subsection (b) if the need for and the amount of the excess is stated in the job training plan (or modification thereof) for the service delivery area and such plan demonstrates that administrative costs comply with subsection (a) of this section.

(4) The provisions of this subsection shall not be available to the extent that supportive services provided under the job training plan duplicate services provided by any other public or private source that are available to participants without cost.

(5) The Governor shall not disapprove any plan (or modification thereof) on the basis of any statement of the need for and amount of excess costs in the job training plan if such plan or modification meets the requirements of this subsection.

(d) The provisions of this section do not apply to any service delivery area designated pursuant to section 101(a)(4)(A)(iii).

(e) This section shall not be construed to exempt programs under an approved plan from the performance standards established under section 106.

PART B—ADDITIONAL STATE RESPONSIBILITIES

GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

SEC. 121. (a)(1) The Governor shall annually prepare a statement of goals and objectives for job training and placement programs within the State to assist in the preparation of the plans required under section 104 of this Act and section 8 of the Act of June 6, 1933 (known as the Wagner-Peyser Act).

(2) Any State seeking financial assistance under this Act shall submit a Governor's coordination and special services plan for two program years to the Secretary describing the use of all resources provided to the State and its service delivery areas under this Act and evaluating the experience over the preceding two years.

(b)(1) The plan shall establish criteria for coordinating activities under this Act (including title III) with programs and services provided by State and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, postsecondary institutions, economic development agencies, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State. Such criteria shall not affect local discretion concerning the selection of eligible participants or service providers in accordance with the provisions of sections 107 and 203.

(2) The plan shall describe the projected use of resources, including oversight and support activities, priorities and criteria for State incentive grants, and performance goals for State supported programs.

(3) The Governor shall report to the Secretary the adjustments made in the performance standards and the factors that are used in making the adjustments.

(4) If major changes occur in labor market conditions, funding, or other factors during the two-year period covered by the plan, the State shall submit a modification to the Secretary describing these changes.

(c) Governor's coordination and special services activities may include—

(1) making available to service delivery areas, with or without reimbursement and upon request, appropriate information and technical assistance to assist in developing and implementing plans and programs;

(2) carrying out special model training and employment programs and related services (including programs receiving financial assistance from private sources);

(3) providing programs and related services for offenders and other individuals whom the Governor determines require special assistance;

(4) providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(5) providing training opportunities in the conservation and efficient use of energy, and the development of solar energy sources as defined in section 3 of the Solar Energy Research, Development and Demonstration Act of 1974;

(6) industry-wide training;

(7) activities under title III of this Act;

(8) developing and providing to service delivery areas information on a State and local area basis regarding economic, industrial, and labor market conditions;

(9) providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils, as well as contractors for State supported programs; and

(10) providing statewide programs which provide for joint funding of activities under this Act with services and activities under other Federal, State, or local employment-related programs.

(d) A Governor's coordination and special services plan shall be approved by the Secretary unless the Secretary determines that the plan does not comply with specific provisions of this Act.

STATE JOB TRAINING COORDINATING COUNCIL

Sec. 122. (a)(1) Any State which desires to receive financial assistance under this Act shall establish a State job training coordinating council (hereinafter in this section referred to as the "State council"). Funding for the council shall be provided pursuant to section 202(b)(4).

(2) The State council shall be appointed by the Governor, who shall designate one nongovernmental member thereof to be chairperson. In making appointments to the State council, the Governor shall ensure that the membership of the State council reasonably represents the population of the State.

(3) The State council shall be composed as follows:

(A) One-third of the membership of the State council shall be representatives of business and industry (including agriculture, where appropriate) in the State, including individuals who are representatives of business and industry on private industry councils in the State.

(B) Not less than 20 percent of the membership of the State council shall be representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State advisory council on vocational education, the State board of education (when not otherwise represented), State public assistance agencies, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, State veterans' affairs agencies or equivalent, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State.

(C) Not less than 20 percent of the membership of the State council shall be representatives of the units or consortia of units of general local government in such State (including those which are administrative entities or grantees under this Act) which shall be nominated by the chief executive officers of the units or consortia of units of general local government; and

(D) Not less than 20 percent of the membership of the State council shall be representatives of the eligible population and of the general public, representatives of organized labor, representatives of community-based organizations, and representatives of local educational agencies (nominated by local educational agencies).

(4) The State council shall meet at such times and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(5) The State council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act.

(6) In order to assure objective management and oversight, the State council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provision of such programs and services.

(7) The plans and decisions of the State council shall be subject to approval by the Governor.

(8) For purposes of section 106 of the Vocational Education Act of 1963, the State council shall be considered to be the same as either the State Manpower Services Council referred to in that section or the State Employment and Training Council authorized under the Comprehensive Employment and Training Act.

(b) The State council shall—

(1) recommend a Governor's coordination and special services plan;

(2) recommend to the Governor substate service delivery areas, plan resource allocations not subject to section 202(a), provide management guidance and review for all programs in the State, develop appropriate linkages with other programs, coordinate activities with private industry councils, and develop the Governor's coordination and special services plan and recommend variations in performance standards;

(3) advise the Governor and local entities on job training plans and certify the consistency of such plans with criteria under the Governor's coordination and special services plan for coordination of activities under this Act with other Federal, State, and local employment-related programs, including programs operated in designated enterprise zones;

(4) review the operation of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, appropriate chief elected officials, and private industry councils, service providers, the State legislature, and the general public with respect to ways to improve the effectiveness of such programs or services;

(5) review and comment on the State plan developed for the State employment service agency;

(6) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it deems advisable to assist service delivery areas in carrying out the purposes of this Act;

(7)(A) identify, in coordination with the appropriate State agencies, the employment and training and vocational education needs throughout the State, and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other Federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment at least once annually on the reports required pursuant to section 105(d)(3) of the Vocational Education Act of 1963; and

(8) review plans of all State agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate Federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the State.

(c) In addition to the functions described in subsection (b), the Governor may, to the extent permitted by applicable law, transfer functions which are related to functions under this Act to the council established under this section from any State coordinating committee for the work incentive program under title IV of the Social Security Act or any advisory council established under the Wagner-Peyser Act.

STATE EDUCATION COORDINATION AND GRANTS

Sec. 123. (a) The sums available for this section pursuant to section 202(b)(1) shall be used by the Governor to provide financial assistance to any State education agency responsible for education and training—

(1) to provide services for eligible participants through cooperative agreements between such State education agency or agencies, administrative entities in service delivery areas in the State, and (where appropriate) local educational agencies; and

(2) to facilitate coordination of education and training services for eligible participants through such cooperative agreements.

(b) The cooperative agreements described in subsection (a) shall provide for the contribution by the State agency or agencies, and the local educational agency (if any), of a total amount equal to the amount provided, pursuant to subsection (a)(1), in the grant subject to such agreement. Such matching amount shall not be provided from funds available under this Act, but may include the direct cost of employment or training services provided by State or local programs.

(c)(1) Funds available under this section may be used to provide education and training, including vocational education services, and related services to participants under title II. Such services may include services for offenders and other individuals whom the Governor determines require special assistance.

(2)(A) Not more than 20 percent of the funds available under this section may be spent for activities described in clause (2) of subsection (a).

(B) At least 80 percent of the funds available under this section shall be used for clause (1) of subsection (a) for the Federal share of the cost of carrying out activities described in clause (1). For the purpose of this subparagraph, the Federal share shall be the amount provided for in the cooperative agreements in subsection (b).

(3) Not less than 75 percent of the funds available for activities under clause (1) of subsection (a) shall be expended for activities for economically disadvantaged individuals.

(d) If no cooperative agreement is reached on the use of funds under this section, the funds shall be available to the Governor for use in accordance with section 121.

TRAINING PROGRAMS FOR OLDER INDIVIDUALS

Sec. 124. (a) From funds available for use under section 202(b)(2), the Governor is authorized to provide for job training programs which are developed in conjunction with service delivery areas within the State and which are consistent with the plan for the service delivery area prepared and submitted in accordance with the provisions in section 104, and designed to assure the training and placement of older individuals in employment opportunities with private business concerns.

(b) In carrying out this section, the Governor shall, after consultation with appropriate private industry councils and chief elected officials, enter into agreements with public agencies, nonprofit private organizations, and private business concerns.

(c) The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills.

(d) An individual shall be eligible to participate in a job training program under this section only if the individual is economically disadvantaged and has attained 55 years of age.

STATE LABOR MARKET INFORMATION PROGRAMS

Sec. 125. (a) In order to be eligible for Federal financial assistance for State labor market information programs under this Act from funds made available under section 202(b)(4) and section 461(b), the Governor shall designate the State occupational information coordinating committee or other organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, which shall—

(1) design a comprehensive cost-efficient labor market and occupational supply and demand information system which—

(A) is responsive to the economic demand and education and training supply support needs of the State and areas within the State, and

(B) meets the Federal standards under chapter 35 of title 44, United States Code, and other appropriate Federal standards established by the Bureau of Labor Statistics;

(2) standardize available Federal and State multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the State and designated areas within the State which, at the minimum, includes—

(A) identification of geographic and occupational areas of potential growth or decline; and

(B) an assessment of the potential impact of such growth or decline on individuals, industries, and communities, including occupational supply and demand characteristics data;

(3) assure, to the extent feasible, that—

(A) automated technology will be used by the State;

(B) administrative records have been designed to reduce paperwork; and

(C) multiple survey burdens on the employers of the State have been reduced;

(4) publish and disseminate labor market and occupational supply and demand information and individualized career information to State agencies, area public agencies, libraries, and private not-for-profit users, and individuals who are in the process of making career decision choices; and

(5) conduct research and demonstration projects designed to improve any aspect of the statewide information system.

(b)(1) The analysis required under clause (2) of subsection (a) shall be used to contribute in carrying out the provisions of this Act, the Vocational Education Act of 1963, and the Act of June 6, 1933, known as the Wagner-Peyser Act.

(2) The assurance required by clause (3) of subsection (a) shall also include that the State will, to the maximum extent possible, assure consolidation of available administrative data and surveys to reduce duplication of recordkeeping of State and local agencies, including secondary and postsecondary educational institutions.

(3) If any Federal funds are used to carry out clause (5) of subsection (a), access to and information on the results will remain in the public domain.

(c) The Secretary through the National Occupational Information Coordinating Committee shall reimburse the States the costs of carrying out the provisions of this section but the aggregate reimbursements in any fiscal year shall not exceed the amount available under part E of title IV for this subsection.

(d) No provision of this part or any other provision of Federal law shall be construed to prohibit any State from combining or consolidating Federal administrative management information reporting requirements relating to employment, productivity, or training, if notice is transmitted by the Governor to the head of each appropriate Federal and State agency responsible for the laws governing the Federal reporting requirements. The notice shall specify the intent to combine or consolidate such requirements. The head of each appropriate Federal agency shall approve the combination or consolidation unless, within sixty days after receiving the notice, the Federal agency can demonstrate that the combination or consolidation will not meet the essential purposes of the affected Federal law.

AUTHORITY OF STATE LEGISLATURE

Sec. 126. Nothing in this Act shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this Act, of the programs assisted under this Act.

INTERSTATE AGREEMENTS

Sec. 127. In the event that compliance with provisions of this Act would be enhanced by cooperative agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

PART C—PROGRAM REQUIREMENTS FOR SERVICE DELIVERY SYSTEM

GENERAL PROGRAM REQUIREMENTS

Sec. 141. Except as otherwise provided, the following conditions are applicable to all programs under this Act:

(a) Each job training plan shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities and shall make efforts to provide equitable services among substantial segments of the eligible population.

(b) Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds.

(c) No funds may be used to assist in relocating establishments, or parts thereof, from one area to another unless such relocation will not result in an increase in unemployment in the area of original location or in any other area.

(d)(1) Training provided with funds made available under this Act shall be only for occupations for which there is a demand in the area served or in another area to which the participant is willing to relocate, and consideration in the selection of training programs may be given to training in occupations determined to be in sectors of the economy which have a high potential for sustained demand or growth.

(2) Efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex.

(3) Commercially available training packages, including advanced learning technology, may be purchased for off-the-shelf prices and without requiring a breakdown of the cost components of the package if such packages are purchased competitively and include performance criteria.

(e) Only eligible individuals residing in the service delivery area may be served by employment and training activities funded under title II, except that the job training plan may provide for limited exceptions to this requirement.

(f) No member of any council under this Act shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter which would provide direct financial benefit to that member.

(g) Payments to employers for on-the-job training which shall not, during the period of such training, average more than 50 percent of the wages paid by the employer to such participants, and payments in such amount shall be deemed to be in compensation for the extraordinary costs associated with training participants under this title and in compensation for the costs associated with the lower productivity of such participants.

(h) Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless the plan establishes that alternative services or facilities would be more effective or more likely to achieve performance goals.

(i) Each administrative entity shall be responsible for the allocation of funds and the eligibility of those enrolled in its programs and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuses in the programs they are carrying out, and to prevent any misuse of funds by such subcontractors, subgrantees, and other recipients. Administrative entities may delegate the responsibility for determination of eligibility under reasonable safeguards, including provisions for reimbursement of cost incurred because of erroneous determinations made with insufficient care, if such an arrangement is included in an approved job training plan.

(j) No person or organization may charge an individual a fee for the placement or referral of such individual in or to a training program under this Act.

(k) No funds may be provided under this Act for any subsidized employment with any private for-profit employer unless the individual employed is a youth aged 16 to 21, inclusive, who is economically disadvantaged and the employment is provided in accordance with section 205(d)(3)(B).

(l) The Secretary shall not provide financial assistance for any program under this Act which involves political activities.

(m) Pursuant to regulations of the Secretary, income generated under any program may be retained by the recipient to continue to carry out the program, notwithstanding the expiration of financial assistance for that program.

(n) The Secretary shall notify the Governor and the appropriate private industry councils and chief elected officials of, and consult with the Governor and such councils and officials concerning, any activity to be funded by the Secretary under this Act within the State or service delivery area; and the Governor shall notify the appropriate private industry councils and chief elected officials of, and consult with such concerning, any activity to be funded by the Governor under this Act within the service delivery area.

(o)(1) All education programs for youth supported with funds provided under title II shall be consistent with applicable State and local educational standards.

(2) Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under such title shall be consistent with the requirements of applicable State and local law and regulation.

(p) No funds available under part B of this title or part A of title II may be used for public service employment.

BENEFITS

SEC. 142. (a) Except as otherwise provided in this Act, the following provisions shall apply to all activities financed under this Act:

(1) A trainee shall receive no payments for training activities in which the trainee fails to participate without good cause.

(2) Individuals in on-the-job training shall be compensated by the employer at the same rates, including periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or the applicable State or local minimum wage law.

(3) Individuals employed in activities authorized under this Act shall be paid wages which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, (B) the minimum wage under the applicable State or local minimum wage law, or (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

(b) Allowances, earnings and payments to individuals participating in programs under this Act shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid, other than programs under the Social Security Act.

LABOR STANDARDS

SEC. 143. (a)(1) Conditions of employment and training shall be appropriate and reasonable in light of such factors as the type of work, geographical region, and proficiency of the participant.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. With respect to any participant in a program conducted under this Act who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970, the Secretary shall prescribe, by regulation, such standards as may be necessary to protect the health and safety of such participants.

(3) To the extent that a State workers' compensation law is applicable, workers' compensation benefits in accordance with such law shall be available with respect to injuries suffered by participants. To the extent that such law is not applicable, each recipient of funds under this Act shall secure insurance coverage for injuries suffered by such participants, in accordance with regulations prescribed by the Secretary.

(4) All individuals employed in subsidized jobs shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No funds available under this Act may be used for contributions on behalf of any participant to retirement systems or plans.

(b)(1) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No program shall impair existing contracts for services or collective bargaining agreements, except that no program under this Act which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(c)(1) Each recipient of funds under this Act shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(2) Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this Act, an opportunity shall be provided for such organization to submit comments with respect to such proposal.

(d) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Act of March 3, 1921 (40 U.S.C. 276a–276a–5), popularly known as the Davis-Bacon Act. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)). The provisions of this subsection shall not apply to a bona fide trainee in a training program under this Act. The provisions of section 167(a)(4) shall apply to such trainees.

GRIEVANCE PROCEDURE

SEC. 144. (a) Each administrative entity, contractor, and grantee under this Act shall establish and maintain a grievance procedure for grievances or complaints about its programs and activities from participants, subgrantees, subcontractors, and other interested persons. Hearings on any grievance shall be conducted within 30 days of filing of a grievance and decisions shall be made not later than 60 days after the filing of a grievance. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence.

(b) Each recipient of financial assistance under this Act which is an employer of participants under this Act shall continue to operate or establish and maintain a grievance procedure relating to the terms and conditions of employment.

(c) Upon exhaustion of a recipient's grievance procedure without decision, or where the Secretary has reason to believe that the recipient is failing to comply with the requirements of this Act or the terms of the job training plan, the Secretary shall investigate the allegation or belief and determine within 120 days after receiving the complaint whether such allegation or complaint is true.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 145. No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

PART D—FEDERAL AND FISCAL ADMINISTRATIVE PROVISIONS

PROGRAM YEAR

SEC. 161. (a) Beginning with fiscal year 1985 and thereafter, appropriations for any fiscal year for programs and activities under this Act shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(b) Funds obligated for any program year may be expended by each recipient during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the job training plan.

(c)(1) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

(2) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this subsection for the transition to program year funding.

PROMPT ALLOCATION OF FUNDS

Sec. 162. (a) All allotments and allocations under this Act shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to economically disadvantaged and low-income persons shall be based on 1980 Census or later data.

(b) Whenever the Secretary allots and allocates funds required to be allotted or allocated by formula under this Act, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient.

(c) All funds required to be distributed by formula under this Act shall be allotted within 45 days after enactment of the appropriations, except that, if such funds are appropriated in advance as authorized by section 161, such funds shall be allotted not later than the March 31 preceding the program year for which such funds are to be available for obligation.

(d) Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this Act, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish such formula in the Federal Register for comments along with the rationale for the formula and the proposed amounts to be distributed to each State and area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

(e) Funds shall be made available to the grant recipient for the service delivery area not later than 30 days after the date they are made available to the Governor or 7 days after the date the plan is approved, whichever is later.

MONITORING

Sec. 163. (a) The Secretary is authorized to monitor all recipients of financial assistance under this Act to determine whether they are complying with the provisions of this Act and the regulations issued under this Act.

(b) The Secretary may investigate any matter the Secretary deems necessary to determine compliance with this Act and regulations issued under this Act. The investigations authorized by this subsection may include examining records (including making certified copies thereof), questioning employees, and entering any premises or into any site in which any part of a program of a recipient is conducted or in which any of the records of the recipient are kept.

(c) For the purpose of any investigation or hearing under this Act, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of books, papers, and documents) are made applicable to the Secretary.

FISCAL CONTROLS; SANCTIONS

Sec. 164. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under titles II and III. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of each recipient of funds under titles II and III of this Act. Under criteria established by the Director of the Office of Management and Budget, and upon application by the Governor, the Secretary may exempt designated recipients from all or part of the requirements of this section, except that any such exemption shall not apply to the State administering agency, the entity which is the administrative entity for the job training plan for a service delivery area, or a private industry council. Any exemption under this section may be withdrawn by the Secretary in consultation with the Director of the Office of Management and Budget.

(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

(b)(1) Whenever, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this Act or the regulations, and corrective action has not been taken, the Governor may issue a notice of intent to revoke approval of all or part of the plan affected. Such notice may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until (A) the time for appeal has expired or (B) the Secretary has issued a decision.

(2) The Governor shall withdraw the notice if the appropriate corrective action has been taken.

(c)(1) The Comptroller General of the United States shall, on a selective basis, evaluate the expenditures by the recipients of grants under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of each recipient in accomplishing the purposes of this Act. The Comptroller General shall conduct the evaluations whenever he determines it necessary and he shall periodically report to the Congress on the findings of such evaluations.

(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State, a private industry council established under section 102 of this Act, any recipient of funds under this Act, or any subgrantee or contractor of such recipients.

(d) Every recipient shall repay to the United States amounts found not to have been expended in accordance with this Act. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act unless he determines that such recipient should be held liable pursuant to subsection (e). No such action shall be taken except after notice and opportunity for a hearing have been given to the recipient.

(e)(1) Each recipient shall be liable to repay such amounts, from funds other than funds received under this Act, upon a determination that the misexpenditure of funds was due to willful disregard of the requirements of this Act, gross negligence, or failure to observe accepted standards of administration. No such finding shall be made except after notice and opportunity for a fair hearing.

(2) In determining whether to impose any sanction authorized by this section against a recipient for violations by a subgrantee of such recipient under this Act or the regulations under this Act, the Secretary shall first determine whether such recipient has adequately demonstrated that it has—

(A) established and adhered to an appropriate system for the award and monitoring of contracts with subgrantees which contains acceptable standards for ensuring accountability;

(B) entered into a written contract with such subgrantee which established clear goals and obligations in unambiguous terms;

(C) acted with due diligence to monitor the implementation of the subgrantee contract, including the carrying out of the appropriate monitoring activities (including audits) at reasonable intervals; and

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this Act or the regulations under this Act by such subgrantee.

(3) If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this Act and any applicable Federal or State law directly against any subgrantee for violation of this Act or the regulations under this Act.

(f) In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment was required to be made by and with the advice and consent of the Senate.

(g) If the Secretary determines that any recipient under this Act has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding or investigation under or related to this Act, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this Act or the Secretary's regulations, the Secretary

shall, within thirty days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(b) The remedies under this section shall not be construed to be exclusive remedies.

REPORTS, RECORDKEEPING, AND INVESTIGATIONS

Sec. 165. (a)(1) Recipients shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(2) Every recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary requires regarding the performance of its programs. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by the Congress or a committee thereof.

(b)(1)(A) In order to evaluate compliance with the provisions of this Act, the Secretary shall conduct, in several States, in each fiscal year investigations of the use of funds received by recipients under this Act.

(B) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any recipient.

(2) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request the compilation of any new information not readily available to such recipient.

(c) Each State, each administrative entity designated under title I, and each recipient (other than a subrecipient, grantee or contractor of a recipient) receiving funds under this Act shall—

(1) make such reports concerning its operations and expenditures as shall be prescribed by the Secretary, and

(2) prescribe and maintain a management information system, in accordance with guidelines prescribed by the Secretary, designed to facilitate the uniform compilation and analysis of programmatic and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes.

ADMINISTRATIVE ADJUDICATION

Sec. 166. (a) Whenever any applicant for financial assistance under this Act is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient upon whom a corrective action or a sanction has been imposed by the Secretary. Except to the extent provided for in section 167, all other disputes arising under this Act shall be adjudicated under grievance procedures established by the recipient or under applicable law other than this Act.

(b) The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days of such filing, has notified the parties that the case has been accepted for review.

(c) Any case accepted for review by the Secretary shall be decided within one hundred and eighty days of such acceptance. If not so decided, the decision of the administrative law judge shall become the final decision of the Secretary.

(d) The provisions of section 168 of this Act shall apply to any final action of the Secretary under this section.

NONDISCRIMINATION

Sec. 167. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(3) Participants shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(4) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, such individuals shall not be discriminated against solely because of their status as such participants.

(5) Participation in programs and activities financially assisted in whole or in part under this Act shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.

(b) Whenever the Secretary finds that a State or other recipient has failed to comply with a provision of law referred to in subsection (a)(1), with paragraph (2), (3), (4), or (5) of subsection (a), or with an applicable regulation prescribed to carry out such paragraphs, the Secretary shall notify such State or recipient and shall request it to comply. If within a reasonable period of time, not to exceed sixty days, the State or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act, as may be applicable; or

(3) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) For purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

JUDICIAL REVIEW

Sec. 168. (a)(1) With respect to any final order by the Secretary under section 166 whereby the Secretary determines to award, to not award, or to only conditionally award, financial assistance, with respect to any final order of the Secretary under section 166 with respect to a corrective action or sanction imposed under section 164, and with respect to a denial of an appeal under section 101(4)(C) or 106(b)(2), any party to a proceeding which resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds, by filing a review petition within 30 days of such final order.

(2) The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record upon which the final order was entered as provided in section 2112 of title 28, United States Code. Review petitions unless ordered by the court, shall not stay the Secretary's order. Petitions under this Act shall be heard expeditiously, if possible within ten days of the filing of a reply brief.

(3) No objection to the order of the Secretary shall be considered by the court unless the objection shall have been specifically and timely urged before the Secretary. Review shall be limited to questions of law and the Secretary's findings of fact shall be conclusive if supported by substantial evidence.

(b) The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The court's judgment shall be final, subject to certiorari review by the Supreme Court of the United States as provided in section 1254(1) of title 28, United States Code.

ADMINISTRATIVE PROVISIONS

Sec. 169. (a) The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe such rules and regulations

(including performance standards) as the Secretary deems necessary. Such rules and regulations may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. All such rules and regulations shall be published in the Federal Register at least thirty days prior to their effective date. Copies of all such rules and regulations shall be transmitted to the appropriate committees of the Congress at the same time and shall contain, with respect to each material provision of such rules and regulations, citations to the particular substantive section of law which is the basis therefor.

(b) The Secretary is authorized, in carrying out this Act, to accept, purchase, or lease in the name of the department, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

(c) The Secretary may make such grants, contracts, or agreements, establish such procedures and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds under this Act as necessary to carry out this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.

(d) The Secretary shall prepare and submit to the Congress an annual report for employment and training programs. The Secretary shall include in such report—

(1) a summary of the achievements, failures, and problems of the programs authorized in this Act in meeting the objective of this Act;

(2) a summary of major findings from research, evaluation, pilot projects, and experiments conducted in the previous fiscal year;

(3) recommendations for program modifications based upon analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary deems appropriate.

(e) The Secretary shall develop methods to ascertain, and shall ascertain annually, energy development and conservation employment impact data by type and scale of energy technologies used. The Secretary shall present the best available data to the Secretary of Energy, the Secretary of Housing and Urban Development, and the Director of the Office of Management and Budget as part of the budgetary process and to the appropriate Committees of Congress annually.

UTILIZATION OF SERVICES AND FACILITIES

Sec. 170. The Secretary is authorized, in carrying out this Act, and to the extent permitted by law other than this Act, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with its consent.

OBLIGATIONAL AUTHORITY

Sec. 171. Notwithstanding any other provision of this Act, no authority to enter into contracts or financial assistance agreements under this Act shall be effective except to such extent or in such amount as are provided in advance in appropriation Acts.

PART E—MISCELLANEOUS PROVISIONS

TRANSITION

Sec. 181. (a) Except as otherwise provided in this section, the Secretary, from funds appropriated pursuant to this Act or pursuant to the Comprehensive Employment and Training Act, shall provide financial assistance under this Act in the same manner that such assistance was provided under the Comprehensive Employment and Training Act (as in effect on the day before the enactment of this Act) until September 30, 1983.

(b) The Commission established by title V of the Comprehensive Employment and Training Act shall continue to be authorized until September 30, 1983, and on such date the personnel, property, and records of such Commission shall be transferred to the Commission established by part F of title IV of this Act.

(c) Notwithstanding the provisions of subsection (a), Governors, prime sponsors, and other recipients of financial assistance under this Act, or under the Comprehensive Employment and Training Act, may expend funds received under this Act, or under the Comprehensive Employment and Training Act, prior to October 1, 1983, in order to—

(1) administer consolidated programs formed by the combining of programs previously administered under different titles, parts, and subparts of the Comprehensive Employment and Training Act;

(2) establish for new participants, in accordance with the eligibility criteria for title II of this Act, uniform eligibility criteria and other provisions relating to participation for programs consolidated pursuant to paragraph (1);

(3) conduct planning for any program or activity authorized under this Act; and

(4) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation, as of October 1, 1983, of programs under this Act.

(d) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges, which have been issued under the Comprehensive Employment and Training Act (as in effect on the date before the date of enactment of this Act), or which are issued under that Act on or before September 30, 1983, shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law other than this Act.

(e) The provisions of this Act shall not affect administrative or judicial proceedings pending on the date of enactment of this Act, or begun between the date of enactment of this Act and September 30, 1984, under the Comprehensive Employment and Training Act.

(f)(1) By January 1, 1983, the Secretary shall have published in the Federal Register final regulations governing the establishment of the State job training coordinating councils and the designation of service delivery areas.

(2) By January 15, 1983, the Secretary shall have published in the Federal Register final regulations governing the establishment of private industry councils.

(3) By March 15, 1983, the Secretary shall have published in the Federal Register final regulations governing all aspects of programs under title II of this Act not described in paragraphs (1) and (2) of this subsection.

(4) All other regulations for programs under this Act shall take effect no later than October 1, 1983.

(5) Pursuant to section 169(a) of this Act the rules described in paragraphs (1), (2), and (3) of this section shall take effect thirty days after publication. In promulgating the rules described in paragraphs (1), (2), and (3), the Secretary shall be exempt from all requirements of law regarding rulemaking procedures except that such rules, prior to their publication in final form, shall be published in the Federal Register for comment for thirty days in the case of rules under paragraphs (2) and (3) and twenty days in the case of rules under paragraph (1).

(6) The Secretary may subsequently modify rules issued pursuant to paragraphs (1), (2), and (3) but, with respect to the program period October 1, 1983, to June 30, 1984, such subsequent rules shall not affect the legitimacy of any State job training coordinating council or private industry council, or the composition of any service delivery area, established under the rules issued pursuant to paragraphs (1) or (2). In addition, with respect to the program period October 1, 1983, to June 30, 1984, no modifications of the rules published pursuant to paragraph (3) shall be effective unless they are published in final form by May 15, 1983.

(7) Upon the certification of any private industry council under section 102(g) the Secretary, from discretionary funds appropriated under this Act or Comprehensive Employment Training Act, for fiscal year 1983, may provide up to $80,000 to each such council to assist it in performing its functions under section 103.

(g) Notwithstanding any other provision of law, any real or nonexpendable personal property, which was acquired on or before September 30, 1983, by prime sponsors (including by their contractors or subrecipients) with funds under the Comprehensive Employment and Training Act or under this Act, and with respect to which the Secretary reserved the right to take title, shall be transferred, as of October 1, 1983, from such prime sponsors to the custody of the entity which is administering programs under title II of this Act in the geographic area in which such property is located. Such transfer shall be subject to the Secretary's rights in such property, which shall continue unchanged.

(h) Funds for fiscal year 1982 allocated to areas served by prime sponsors or to other recipients under the Comprehensive Employment and Training Act, which were not obligated by the prime sponsor or other recipient prior to the end of such fiscal year, shall remain available for obligation by the prime sponsor or other recipient during fiscal year 1983. No reduction shall be made in the allocation for any area served by such a prime sponsor from appropriations to carry out this Act for fiscal year 1983 on account of the carryover of such funds from fiscal year 1982 to fiscal year 1983.

(i) The amendments made by sections 501 and 502 shall be effective October 1, 1983, but, the Secretary is authorized to use funds appropriated for fiscal year 1983 to plan for the orderly implementation of such amendments.

(j)(1) In order to facilitate the development of a service delivery area's job training plan for the program period October 1, 1983, to June 30, 1984, the various time limits contained in this Act which pertain to the planning process shall not be applicable, except that the job training plan must be submitted to the Governor by August 31, 1983. This provision shall apply only to the time limits and shall not apply to any of the required planning procedures, or to the required chronological order of such procedures except that the job training plan and budget need only be for the October 1, 1983 to June 30, 1984 program period.

(2) In order to facilitate planning for the program period October 1, 1983, to June 30, 1984, the local agreement or agreements between the private industry council and the appropriate chief elected official or officials may provide for interim procedures applicable only to that program. Such interim agreements may also, notwithstanding the provisions of section 107, authorize service deliverers under the Comprehensive Employment and Training Act or under this Act during fiscal year 1983 to continue as service deliverers under the program as established by this Act for such period.

(3) The performance standards described in section 106 shall apply to service delivery areas for the program period October 1, 1983, to June 30, 1984. No service delivery area, however, shall suffer a penalty for not meeting such standards during that initial program period.

(k) All participants who are in programs funded under this Act, or under the Comprehensive Employment and Training Act, on September 30, 1983, shall be eligible to continue to participate in such programs, provided such programs have been approved for funding under the service delivery area's newly effective job training plan.

CRIMINAL PROVISIONS

Sec. 182. Section 665 of title 18, United States Code, is amended to read as follows:

"THEFT OR EMBEZZLEMENT FROM EMPLOYMENT AND TRAINING FUNDS: IMPROPER INDUCEMENT; OBSTRUCTION OF INVESTIGATIONS

"Sec. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Comprehensive Employment and Training Act or the Job Training Partnership Act knowingly enrolls an ineligible participant, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a financial assistance agreement or contract pursuant to such Act shall be fined not more than $10,000 or imprisoned not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"(b) Whoever, by threat or procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a financial assistance agreement or contract under the Comprehensive Employment and Training Act or the Job Training Partnership Act induces any person to give up any money or thing of any value to any person (including such organization or agency receiving funds) shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

"(c) Any person whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Comprehensive Employment and Training Act or the Job Training Partnership Act, or the regulations thereunder, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.".

REFERENCE

Sec. 183. Effective on the date of enactment of this Act, all references in any other statute other than this Act, and other than in section 665 of title 18, United States Code, to the Comprehensive Employment and Training Act shall be deemed to refer to the Job Training Partnership Act.

REPEALERS

Sec. 184. (a) Effective on the date of enactment of this Act—

(1) the Comprehensive Employment and Training Act is repealed;

(2) section 5(b) of the Comprehensive Employment and Training Act Amendments of 1978 is repealed.

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

PART A—ADULT AND YOUTH PROGRAMS

ALLOTMENT

Sec. 201. (a) Not more than $5,000,000 of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(b)(1) Subject to the provisions of paragraph (2), of the remainder of the amount available for this part for each fiscal year—

(A) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all the States;

(B) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States;

(C) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged individuals within the State compared to the total number of economically disadvantaged individuals in all States, except that, for the allotment for any State in which there is any service delivery area described in section 101(a)(4)(A)(iii), the allotment shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

(2)(A) No State shall receive less than one-quarter of 1 percent of the amounts available for allotment under this subsection for each such fiscal year.

(B) No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this subparagraph, the allotment percentage for each State for the fiscal year 1982 is the percent that each State received in 1982, pursuant to the formula allocations made under the Comprehensive Employment and Training Act, of the total such formula allocations for all States made under that Act in fiscal year 1982. For each succeeding fiscal year, the allotment percentage of a State shall be the percentage which the State received of all allotments pursuant to this subsection.

(3) For purposes of paragraph (1)—

(A) the term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State, or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

(B) the term "economically disadvantaged" means an individual who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level.

WITHIN STATE ALLOCATION

Sec. 202. (a)(1) The Governor shall, in accordance with section 162, allocate 78 percent of the allotment of the State (under section 201(b)) for such fiscal year among service delivery areas within the State in accordance with paragraph (2).

(2) Of the amount allocated under this subsection—

(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

(B) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State;

(C) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged individuals within each

service delivery area compared to the total number of economically disadvantaged individuals in the State, except that the allocation for any service delivery area described in section 101(a)(4)(A)(iii) shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

(3) For the purpose of this section—

(A) the term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area; and

(B) the term "economically disadvantaged" means an individual who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level.

(b)(1) Eight percent of the allotment of each State (under section 201(b)) for each fiscal year shall be available to carry out section 123, relating to State education programs under this Act.

(2) Three percent of such allotment of each State for each fiscal year shall be available to carry out section 124, relating to training programs for older individuals.

(3)(A) Six percent of such allotment of each State for each fiscal year shall be available to carry out subparagraph (B) of this paragraph.

(B) The amount reserved under subparagraph (A) of this paragraph shall be used by the Governor to provide incentive grants for programs exceeding performance standards, including incentives for serving hard-to-serve individuals. The incentive grants made under this subparagraph shall be distributed among service delivery areas within the State exceeding their performance standards in an equitable proportion based on the degree by which the service delivery areas exceed their performance standards. If the full amount reserved under subparagraph (A) of this paragraph is not needed to make incentive grants under this subparagraph, the Governor shall use the amount not so needed for technical assistance to service delivery areas in the State which do not qualify for incentive grants under this subparagraph.

(4) Five percent of such allotment of the State for each fiscal year shall be available to the Governor of the State to be used for the cost of auditing activities, for administrative activities, and for other activities under sections 121 and 122.

ELIGIBILITY FOR SERVICES

Sec. 203. (a)(1) Except as provided in paragraph (2), an individual shall be eligible to participate in programs receiving assistance under this title only if such individual is economically disadvantaged.

(2) Up to 10 percent of the participants in all programs in a service delivery area receiving assistance under this part may be individuals who are not economically disadvantaged if such individuals have encountered barriers to employment. Such individuals may include, but are not limited to, those who have limited English-language proficiency, or are displaced homemakers, school dropouts, teenage parents, handicapped, older workers, veterans, offenders, alcoholics, or addicts.

(b)(1) Funds provided under this part shall be used in accordance with the job training plan to provide authorized services to disadvantaged youth and adults. Except as provided in paragraph (2), not less than 40 percent of the funds available for such services shall be expended to provide such services to eligible youth.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the service delivery area differs from the ratio of such individuals nationally (as published by the Secretary), the amount which shall be required to expend for services for youth under paragraph (1) shall be reduced or increased proportionately in accordance with regulations prescribed by the Secretary.

(3) Recipients of payments made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act who are required to, or have, registered under section 402(a)(19) of that Act and eligible school dropouts shall be served on an equitable basis, taking into account their proportion of economically disadvantaged persons sixteen years of age or over in the area. For purposes of this paragraph, a school dropout is an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(4) In each service delivery area the ratio of participants in on-the-job training assisted under this title in the public sector to participants in such training in the private sector shall not exceed the ratio between civilian governmental employment and nongovernmental employment in such area.

(c) For purposes of this title—

(1) the term "youth" means an individual who is aged 16 through 21, and

(2) the term "adult" means an individual who is 22 years of age or older.

USE OF FUNDS

Sec. 204. Services which may be made available to youth and adults with funds provided under this title may include, but need not be limited to—

(1) job search assistance,
(2) job counseling,
(3) remedial education and basic skills training,
(4) institutional skill training,
(5) on-the-job training,
(6) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment,
(7) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply,
(8) outreach to make individuals aware of, and encourage the use of employment and training services,
(9) specialized surveys not available through other labor market information sources,
(10) programs to develop work habits and other services to individuals to help them obtain and retain employment,
(11) supportive services necessary to enable individuals to participate in the program and to assist them in retaining employment for not to exceed 6 months following completion of training,
(12) upgrading and retraining,
(13) education-to-work transition activities,
(14) literacy training and bilingual training,
(15) work experience,
(16) vocational exploration,
(17) attainment of certificates of high school equivalency,
(18) job development,
(19) employment generating activities to increase job opportunities for eligible individuals in the area,
(20) pre-apprenticeship programs,
(21) disseminating information on program activities to employers,
(22) use of advanced learning technology for education, job preparation, and skills training,
(23) development of job openings,
(24) on-site industry-specific training programs supportive of industrial and economic development,
(25) followup services with participants placed in unsubsidized employment,
(26) coordinated programs with other Federal employment-related activities,
(27) needs-based payments necessary to participation in accordance with a locally developed formula or procedure, and
(28) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training.

EXEMPLARY YOUTH PROGRAMS

Sec. 205. (a) In addition to the services for youth which may be available in accordance with section 204, the job training plan may, at the option of those responsible for its preparation, elect to include one or more of the exemplary youth programs described in subsections (b) through (e) of this section, each of which may be modified by the plan to accommodate local conditions.

(b)(1) The job training plan may provide for the conduct of an "education for employment program" for eligible youth who have not attained a high school diploma or who have educational deficiencies despite the attainment of a diploma, with priority given to high school dropouts.

(2) The education for employment programs may provide for the maintenance of a network of learning centers offering individualized or group instruction in convenient locations, such as schools, neighborhood organizations, libraries, and other sites, including mobile vans in rural areas.

(3) The curricula provided by such network shall be designed to prepare the student to meet State and locally determined general education diploma and basic education competency requirements.

(4) For purposes of this section, priority shall be given in the selection of service providers to previously funded in-school and community based organization projects which are both cost-effective and of demonstrated success, and which otherwise meet criteria under this Act.

(c)(1) The job training plan may provide for the conduct of a "preemployment skills training program" for youth, and individuals aged 14 and 15, with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

(2) The preemployment skill training program may provide youth up to 200 hours of instruction and activities.

(3) The instruction and activities may include—

(A) assessment, testing, and counseling;

(B) occupational career and vocational exploration;

(C) job search assistance;

(D) job holding and survival skills training;

(E) basic life skills training;

(F) remedial education;

(G) labor market information; and

(H) job-seeking skills training.

(d)(1) The job training plan may provide for the conduct of an "entry employment experience program" for youth who—

(A) have completed preemployment skills training or its equivalent;

(B) have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

(C) are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of that school or education program during the current or most recent term,

with priority given to youth who do not plan to continue on to postsecondary education.

(2) Entry employment experiences may be up to 20 hours weekly during the school year or full time during the summer and holidays, for a total of not to exceed 500 hours of entry employment experience for any individual. Such experiences shall be appropriately supervised, including the maintenance of standards of attendance and worksite performance.

(3) Entry employment experiences may be one of the following types:

(A) Full-time employment opportunities in public and private nonprofit agencies during the summer and on a part-time basis in combination with education and training activities. These jobs shall provide community improvement services that complement local expenditures.

(B) Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available. Compensation in lieu of wages for tryout employment shall be paid by the grant recipient, but the length of any assignment to a tryout employment position shall not exceed 250 hours. Tryout employment positions shall be ones for which participants would not usually be hired (because of lack of experience or other barriers to employment), and vacancies in such positions may not be refilled if the previous participant completed the tryout employment but was not hired by the employer.

(C) Cooperative education programs to coordinate educational programs with work in the private sector.

(e)(1) The job training plan may provide for the conduct of a "school-to-work transition assistance program" for youth who are—

(A) high school seniors who plan to enter the full-time labor market upon graduation, with priority to seniors in high schools having a predominance of students from families with incomes below 70 percent of the lower living standard income level; and

(B) dropouts, with followup as immediately as possible after leaving school.

(2) Transition services include—

(A) provision of occupational information;

(B) short-duration job search assistance;

(C) job clubs;

(D) placement and job development; and

(E) followup.

(3) Seniors and dropouts who are eligible for and in need of training activities may be provided information and, where appropriate, referred to—

(A) preemployment skills training, entry employment experience, and remedial education;

(B) adult training activities; and

(C) the Job Corps.

PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION

SEC. 251. (a) From the funds appropriated under section 3(b), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

(b) The remainder of sums appropriated pursuant to section 3(b) shall be allotted among States in accordance with section 201(b) and allocated among service delivery areas within States in accordance with section 202(a)(2) and (3).

USE OF FUNDS

SEC. 252. Funds available under this part may be used for—

(1) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search and job club activities, and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place them in, employment; and

(2) supportive services necessary to enable such individuals to participate in the program.

LIMITATIONS

SEC. 253. (a) Programs under this part shall be conducted during the summer months.

(b) Except as provided in subsection (c), individuals eligible under this part shall be economically disadvantaged youth.

(c) Eligible individuals aged 14 or 15 shall, if appropriate and set forth in the job training plan, be eligible for summer youth programs under this part.

APPLICABLE PROVISIONS

SEC. 254. Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

ALLOCATION OF FUNDS

SEC. 301. (a) From the amount appropriated to carry out this title for any fiscal year, the Secretary may reserve up to 25 percent of such amount for use by the States in accordance with subsection (c).

(b) The Secretary shall allot the remainder of the amount appropriated to carry out this title for any fiscal year among the States as follows:

(1) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(2) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States. For purposes of this paragraph, the term "excess number" means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(3) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for fifteen weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

(c) The Secretary shall make available the sums reserved under subsection (a) for the purpose of providing training, retraining, job search assistance, placement, relocation assistance, and other aid (including any activity authorized by section 308) to individuals who are affected by mass layoffs, natural disasters, Federal Government actions (such as relocations of Federal facilities), or who reside in areas of high unemployment or designated enterprise zones. In order to qualify for assistance from funds reserved by the Secretary under subsection (a), a State shall, in accordance with regulations promulgated by the Secretary establishing criteria for awarding assistance from such funds, submit an application identifying the need for such assistance and the types of, and projected results expected from, activities to be conducted with such funds.

(d) The Secretary is authorized to reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within one year of allotment.

IDENTIFICATION OF DISLOCATED WORKERS

Sec. 302. (a) Each State is authorized to establish procedures to identify substantial groups of eligible individuals who—

(1) have been terminated or laid-off or who have received a notice of termination or lay-off from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(2) have been terminated, or who have received a notice of termination of employment, as a result of any permanent closure of a plant or facility; or

(3) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including any older individuals who may have substantial barriers to employment by reason of age.

(b) The State may provide for the use of the private industry councils established under title I of this Act to assist in making the identification established under subsection (a).

(c)(1) Whenever a group of eligible individuals is identified under subsection (a), the State, with the assistance of the private industry council, shall determine what, if any, job opportunities exist within the local labor market area or outside the labor market area for which such individuals could be retrained.

(2) The State shall determine whether training opportunities for such employment opportunities exist or could be provided within the local labor market area.

(d) Whenever training opportunities pursuant to subsection (c) are identified, information concerning the opportunities shall be made available to the individuals. The acceptance of training for such opportunities shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

AUTHORIZED ACTIVITIES

Sec. 303. (a) Financial assistance provided to States under this title may be used to assist eligible individuals to obtain unsubsidized employment through training and related employment services which may include, but are not limited to—

(1) job search assistance, including job clubs,

(2) job development,

(3) training in jobs skills for which demand exceeds supply,

(4) supportive services, including commuting assistance and financial and personal counseling,

(5) pre-layoff assistance,

(6) relocation assistance, and

(7) programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of closures of plants or facilities.

(b) Relocation assistance may be provided if the State determines (1) that the individual cannot obtain employment within the individual's commuting area, and (2) that the individual has secured suitable long-duration employment or obtained a bona fide job offer in a relocation area in a State.

MATCHING REQUIREMENT

Sec. 304. (a)(1) In order to qualify for financial assistance under this title, a State shall demonstrate, to the satisfaction of the Secretary, that it will expend for purposes of services assisted under this title, an amount from public or private non-Federal sources equal to the amount made available to that State under section 301(b).

(2) Whenever the average rate of unemployment for a State is higher than the average rate of unemployment for all States, the non-Federal matching funds described in paragraph (1) required to be provided by such State for that fiscal year shall be reduced by 10 percent for each 1 percent, or portion thereof, by which the average rate of unemployment for that State is greater than the average rate of unemployment for all States.

(3) The Secretary shall determine the average rate of unemployment for a State and the average rate of unemployment for all States for each fiscal year on the basis of the most recent twelve-month period prior to that fiscal year.

(b)(1) Such non-Federal matching funds shall include the direct cost of employment or training services under this title provided by State or local programs (such as vocational education), private nonprofit organizations, or private for-profit employers.

(2) Funds expended from a State fund to provide unemployment insurance benefits to an eligible individual for purposes of this title and who is enrolled in a program of training or retraining under this title may be credited for up to 50 percent of the funds required to be expended from non-Federal sources as required by this section.

PROGRAM REVIEW

Sec. 305. Except for programs of assistance operated on a statewide or industry-wide basis, no program of assistance conducted with funds made available under this title may be operated within any service delivery area without a 30-day period for review and recommendation by the private industry council and appropriate chief elected official or officials for such area. The State shall consider the recommendation of such private industry council and chief elected official or officials before granting final approval of such program, and in the event final approval is granted contrary to such recommendation, the State shall provide the reasons therefor in writing to the appropriate private industry council and chief elected official or officials.

CONSULTATION WITH LABOR ORGANIZATIONS

Sec. 306. Any assistance program conducted with funds made available under this title which will provide services to a substantial number of members of a labor organization shall be established only after full consultation with such labor organization.

LIMITATIONS

Sec. 307. (a) Except as provided in subsection (b), there shall be available for supportive services, wages, allowances, stipends, and costs of administration, not more than 30 percent of the Federal funds available under this title in each State.

(b) The funds to which the limitation described in subsection (a) applies shall not include the funds referred to in section 301(a). In no event shall such limitation apply to more than 50 percent of the total amount of Federal and non-Federal funds available to a program.

STATE PLANS; COORDINATION WITH OTHER PROGRAMS

Sec. 308. Any State which desires to receive financial assistance under this title shall submit to the Secretary a plan for the use of such assistance which shall include appropriate provisions for the coordination of programs conducted with such assistance, as described in section 121, low-income weatherization and other energy conservation programs, and social services.

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

NATIVE AMERICAN PROGRAMS

Sec. 401. (a) The Congress finds that (1) serious unemployment and economic disadvantages exist among members of Indian, Alas-

kan Native, and Hawaiian Native communities; (2) there is a compelling need for the establishment of comprehensive training and employment programs for members of those communities; and (3) such programs are essential to the reduction of economic disadvantages among individual members of those communities and to the advancement of economic and social development in the communities consistent with their goals and lifestyles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of the individuals to be served by the provisions of this section, (1) such programs shall be administered at the national level; (2) such programs shall be available to federally recognized Indian tribes, bands, and groups and to other groups and individuals of Native American descent; and (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this section.

(c)(1)(A) In carrying out responsibilities under this section, the Secretary shall, wherever possible, utilize Indian tribes, bands, or groups on Federal or State reservations, Oklahoma Indians, and including for the purpose of this Act, Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act, having a governing body for the provision of employment and training services under this section. When the Secretary determines that such tribe, band, or group has demonstrated the capability to effectively administer a comprehensive employment and training program, the Secretary shall require such tribe, band, or group to submit a comprehensive plan meeting such requirements as the Secretary prescribes.

(B) The Secretary shall arrange for programs to meet the employment and training needs of Hawaiian natives through such organizations as the Secretary determines will best meet their needs.

(2) In carrying out responsibilities under this section, the Secretary shall make arrangements with organizations (meeting requirements prescribed by the Secretary) serving nonreservation Native Americans for programs and projects designed to meet the needs of such Native Americans for employment and training and related services.

(d) Whenever the Secretary determines not to utilize Indian tribes, bands, or groups for the provision of employment and training services under this section, the Secretary shall, to the maximum extent feasible, enter into arrangements for the provision of such services with organizations which meet with the approval of the tribes, bands, or groups to be served.

(e) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of Native American employment and training programs authorized under this Act.

(f) Funds available for this section shall be expended for programs and activities consistent with the purposes of this section including but not limited to such programs and activities carried out by recipients under other provisions of this Act.

(g) No provision of this section shall abrogate in any way the trust responsibilities of the Federal Government to Native American bands, tribes, or groups.

(h)(1) The Secretary shall, after consultation with representatives of Indians and other Native Americans, prescribe such rules, regulations, and performance standards relating to Native American programs under this section as may be required to meet the special circumstances under which such programs operate.

(2) Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 108.

(i) The Secretary shall provide technical assistance as necessary to tribes, bands, and groups eligible for assistance under this section.

(j) For the purpose of carrying out this section, the Secretary shall reserve, from funds available for this title (other than part B) for any fiscal year, an amount equal to 3.3 percent of the amount available for part A of title II of this Act for such fiscal year.

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Sec. 402. (a) The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, aggravated by continual advancements in technology and mechanization resulting in displacement, constitute a substantial portion of the Nation's rural employment problem and substantially affect the entire national economy; and

(2) because of farmworker employment and training problems, such programs shall be centrally administered at the national level.

(b) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of migrant and seasonal employment and training programs authorized under this Act.

(c)(1) The Secretary shall provide services to meet the employment and training needs of migrant and seasonal farmworkers through such public agencies and private nonprofit organizations as the Secretary determines to have an understanding of the problems of migrant and seasonal farmworkers, a familiarity with the area to be served, and a previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. In awarding any grant or contract for services under this section, the Secretary shall use procedures consistent with standard competitive Government procurement policies.

(2) The Secretary may approve the designation of grantees under this section for a period of two years.

(3) Programs and activities supported under this section, including those carried out under other provisions of this Act, shall enable farmworkers and their dependents to obtain or retain employment, to participate in other program activities leading to their eventual placement in unsubsidized agricultural or nonagricultural employment, and to participate in activities leading to stabilization in agricultural employment, and shall include related assistance and supportive services.

(4) Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 108.

(5) No programs and activities supported under this section shall preclude assistance to farmworkers under any other provision of this Act.

(d) In administering programs under this section, the Secretary shall consult with appropriate State and local officials.

(e) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of migrant and seasonal farmworker's employment and training programs authorized under this Act.

(f) For the purpose of carrying out this section, the Secretary shall reserve, from funds available for this title (other than part B) for any fiscal year, an amount equal to 3.2 percent of the amount available for part A of title II of this Act for such fiscal year.

PART B—JOB CORPS

STATEMENT OF PURPOSE

Sec. 421. This part maintains a Job Corps for economically disadvantaged young men and women which shall operate exclusively as a distinct national program, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. The purpose of this part is to assist young individuals who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

ESTABLISHMENT OF THE JOB CORPS

Sec. 422. There shall be within the Department of Labor a "Job Corps".

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

Sec. 423. To become an enrollee in the Job Corps, a young man or woman must be an eligible youth who—

(1) has attained age 14 but not attained age 22 at the time of enrollment, except that such maximum age limitation may be

waived, in accordance with regulations of the Secretary, in the case of any handicapped individual;

(2) is economically disadvantaged or is a member of a family which is economically disadvantaged, and who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school work, qualify for other suitable training programs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair prospects for successful participation in other programs providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 424 and 425 to have the present capabilities and aspirations needed to complete and secure the full benefit of the Job Corps and to be free of medical and behavioral problems so serious that the individual could not adjust to the standards of conduct, discipline, work, and training which the Job Corps involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS: GENERAL PROVISIONS

Sec. 424. (a) The Secretary shall prescribe specific standards and procedures for the screening and selection of applicants for the Job Corps. To the extent practicable, these rules shall be implemented through arrangements with agencies and organizations such as community action agencies, public employment offices, entities administering programs under title II of this Act, professional groups, labor organizations, and agencies and individuals having contact with youth over substantial periods of time and able to offer reliable information as to their needs and problems. The rules shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. The rules shall also provide for the interviewing of each applicant for the purpose of—

(1) determining whether the applicant's educational and vocational needs can best be met through the Job Corps or an alternative program in the applicant's home community;

(2) obtaining from the applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment; and

(3) giving the applicant a full understanding of the Job Corps and what will be expected of an enrollee in the event of acceptance.

(b) The Secretary is authorized to make payments to individuals and organizations for the cost of the recruitment, screening, and selection of candidates, as provided for in this part. The Secretary shall make no payments to any individual or organization solely as compensation for referring the names of candidates for Job Corps.

(c) The Secretary shall assure that Job Corps enrollees include an appropriate number of candidates selected from rural areas, taking into account the proportions of eligible youth who reside in rural areas and the need to provide residential facilities for such youth.

SCREENING AND SELECTION: SPECIAL LIMITATIONS

Sec. 425. (a) No individual shall be selected as an enrollee unless there is reasonable expectation that the individual can participate successfully in group situations and activities, is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the center to which the individual might be assigned and surrounding communities, and unless the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe those rules.

(b) An individual on probation or parole may be selected only if release from the supervision of the probation or parole officials is satisfactory to those officials and the Secretary and does not violate applicable laws or regulations. No individual shall be denied a position in the Job Corps solely on the basis of that individual's contact with the criminal justice system.

ENROLLMENT AND ASSIGNMENT

Sec. 426. (a) No individual may be enrolled in the Job Corps for more than two years, except in any case in which completion of an advanced career program under section 428 would require an individual to participate in excess of two years, or except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(c) After the Secretary has determined that an enrollee is to be assigned to a Job Corps center, the enrollee shall be assigned to the center which is closest to the enrollee's home, except that the Secretary may waive this requirement for good cause, including to ensure an equitable opportunity for youth from various sections of the Nation to participate in the program, to prevent undue delays in assignment, to adequately meet the educational or other needs of an enrollee, and for efficiency and economy in the operation of the program.

JOB CORPS CENTERS

Sec. 427. (a)(1) The Secretary may make agreements with Federal, State, or local agencies, including a State board or agency designated pursuant to section 104(a)(1) of the Vocational Education Act of 1963 which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations for the establishment and operation of Job Corps centers. Job Corps centers may, subject to paragraph (2), be residential or nonresidential in character, or both, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include Civilian Conservation Centers, located primarily in rural areas, which shall provide, in addition to other training and assistance, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest. The centers shall also include training centers located in either urban or rural areas which shall provide activities including training and other services for specific types of skilled or semiskilled employment.

(2) In any year, not more than 10 percent of the individuals enrolled in the Job Corps may be nonresidential participants.

(b) To the extent feasible, Job Corps centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in other programs under this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

Sec. 428. (a) Each Job Corps center shall provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned vocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program shall include activities to assist enrollees in choosing realistic career goals, coping with problems they may encounter in home communities, or in adjusting to new communities, and planning and managing their daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance work to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) The Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes, whenever such institutions provide training substantially equivalent in cost and quality to that which the Secretary could provide through other means.

(c) To the extent feasible, arrangements for education, both at the center and at other locations, shall provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school. The Secretary, with the concurrence of the Secretary of Education, shall develop certificates to be issued to each enrollee who satisfactorily completes service in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d)(1) The Secretary may arrange for programs of advanced career training for selected Corps enrollees in which they may continue to participate for a period not to exceed one year in addition to the period of participation to which Corps enrollees would otherwise be limited.

(2) Advanced career training may be provided for in postsecondary institutions for Corps enrollees who have attained a high school diploma or its equivalent, have demonstrated commitment and capacity in their previous Job Corps participation, and have an identified occupational goal.

(3) The Secretary may contract with private for-profit businesses and labor unions to provide intensive training in company-sponsored training programs, combined with internships in work settings.

(4) During the period of participation in advanced career training programs, Corps enrollees shall be eligible for full Job Corps benefits or a monthly stipend equal to the average value of residential support, food, allowances, and other benefits in residential Job Corps centers, except that the total amount for which an enrollee shall be eligible shall be reduced by the amount of any scholarship or other educational grant assistance received by such enrollee.

(5) After an initial period of time, determined to be reasonable by the Secretary, any Job Corps center seeking to enroll new Corps enrollees in any advanced career training program shall demonstrate that such program has achieved a reasonable rate of completion and placement in training-related jobs before such new enrollments may occur.

ALLOWANCES AND SUPPORT

Sec. 429. (a) The Secretary shall provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. For the fiscal year ending September 30, 1983, personal allowances shall be established at a rate not to exceed $65 per month during the first six months of an enrollee's participation in the program and not to exceed $110 per month thereafter, except that allowances in excess of $65 per month, but not exceeding $110 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified in this subsection in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months' service in the Job Corps.

(c) The Secretary may provide each former enrollee upon termination, a readjustment allowance at a rate not to exceed, for the fiscal year ending September 30, 1983, $110 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance unless he has remained in the program at least 90 days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowances as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee. The Secretary is authorized, pursuant to rules or regulations, to reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Such portion of the readjustment allowance as prescribed by the Secretary may be paid monthly during the period of service of the enrollee directly to a spouse or child of an enrollee, or to any other relative who draws substantial support from the enrollee, and any amount so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

Sec. 430. (a) Within Job Corps centers standards of conduct shall be provided and stringently enforced. If violations are committed by enrollees, dismissal from the Corps or transfers to other locations shall be made if it is determined that their retention in the Corps, or in the particular center, will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(b) To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees, including dismissal from the Job Corps, subject to expeditious appeal to the Secretary.

COMMUNITY PARTICIPATION

Sec. 431. The Secretary shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers and nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Youth shall be represented on the advisory council and separate youth councils may be established composed of enrollees and young people from the communities. The Secretary shall assure that each center is operated with a view to achieving, so far as possible, objectives which shall include—

(1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community;

(2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees;

(3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community;

(4) encouraging the fullest practicable participation of enrollees in programs for community improvement or betterment, with appropriate advance consultation with business, labor, professional, and other interested community groups;

(5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together;

(6) providing community residents with opportunities to work with enrollees directly as part-time instructors, tutors, or advisers, either in the center or in the community;

(7) developing, where feasible, job or career opportunities for enrollees in the community; and

(8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools and libraries, educational institutions, agencies serving young people and recipients of funds under this Act.

COUNSELING AND JOB PLACEMENT

Sec. 432. (a) The Secretary shall counsel and test each enrollee at regular intervals to measure progress in educational and vocational programs.

(b) The Secretary shall counsel and test enrollees prior to their scheduled terminations to determine their capabilities and shall make every effort to place them in jobs in the vocation for which they are trained or to assist them in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the public employment service system to the fullest extent possible.

(c) The Secretary shall determine the status and progress of enrollees scheduled for termination and make every effort to assure that their needs for further education, training, and counseling are met.

(d) The Secretary shall arrange for the readjustment allowance to be paid to former enrollees (who have not already found employment) at the State employment service office nearest the home of any such former enrollee who is returning home, or at the nearest such office where the former enrollee has indicated an intent to reside. If the Secretary uses any other public agency or private organization in lieu of the public employment service system, the Secretary shall arrange for that organization or agency to pay the readjustment allowance.

EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AND COORDINATION WITH OTHER PROGRAMS

Sec. 433. (a)(1) The Secretary is authorized to undertake experimental, research, or demonstration projects to develop or test ways of better using facilities, encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in their period of enrollment, reducing transportation and support costs, or otherwise promoting greater efficiency and effectiveness in the program. These projects shall include one or more projects providing youth with education, training, and other supportive services on a combined residential and nonresidential basis.

(2) The Secretary is authorized to undertake one or more pilot projects designed to determine the value of Job Corps participation for young adults aged 22 to 24, inclusive.

(3) The Secretary is authorized to undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations.

(4) Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the administrative entity in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency

concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary is authorized to waive any provision of this part which the Secretary finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. The Secretary shall, in the annual report of the Secretary, report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

(b) In order to determine whether upgraded vocational education schools could eliminate or substantially reduce the school dropout problem, and to demonstrate how communities could make maximum use of existing educational and training facilities, the Secretary, in cooperation with the Secretary of Education, is authorized to enter into one or more agreements with State educational agencies to pay the cost of establishing and operating model community vocational education schools and skill centers.

(c)(1) The Secretary, through the Job Corps and activities authorized under sections 452 and 455, shall develop and implement activities designed to disseminate information gained from Job Corps program experience which may be of use in the innovation and improvement of related programs. To carry out this purpose, the Secretary may enter into appropriate arrangements with any Federal or State agency.

(2) The Secretary is authorized to develop Job Corps programs to test at various centers the efficacy of selected education or training activities authorized under this or any other Act and to appropriately disseminate the results of such tests. To carry out this purpose, the Secretary may enter into appropriate arrangements with any Federal or State agency.

(d) The Secretary is authorized to enter into appropriate arrangements with the Secretary of Defense for the development of pilot projects at Job Corps centers to prepare youth to qualify for military service. In the event that the Secretary of Labor and the Secretary of Defense agree that such pilot projects should be expanded into permanent programs, the Secretary may establish such permanent programs within the Job Corps, if the Secretary of Defense agrees (1) to provide 50 percent of the costs attributable to such permanent programs, and (2) to reimburse the Secretary of Labor for an additional amount if more than 50 percent of the enrollees in such programs become members of the Armed Forces. Such additional amount shall be equal to a percentage of such costs which is the percentage by which more than 50 percent of such enrollees become such members. In addition to the provision of funds, such reimbursement may include the provision of equipment, materials, transportation, technical assistance, or other assistance, as specified by the Secretary.

(e) In order to determine whether community participation as required under section 431 can be improved through the closer involvement of community-based organizations, the Secretary is authorized to undertake one or more pilot projects utilizing community-based organizations of demonstrated effectiveness for Job Corps center operation. For purposes of such pilot projects, the term "community-based organizations" may include nonprofit educational foundations organized on a State or local basis.

ADVISORY BOARDS AND COMMITTEES

Sec. 434. The Secretary is authorized to make use of advisory committees in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

Sec. 435. (a) The Secretary shall take action to facilitate the effective participation of States in the Job Corps programs, including consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary is authorized to enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Secretary is authorized, pursuant to regulations, to pay part or all of the costs of such programs to the extent such costs are attributable to carrying out the purpose of this part.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a notice setting forth such proposed establishment has been submitted to the Governor, and the establishment has not been disapproved by the Governor within thirty days of such submission.

(d) All property which would otherwise be under exclusive Federal legislative jurisdiction shall be under concurrent jurisdiction with the appropriate State and locality with respect to criminal law enforcement as long as a Job Corps center is operated on such property.

APPLICATION OF PROVISIONS OF FEDERAL LAW

Sec. 436. (a) Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.) enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except—

(A) the term "performance of duty" shall not include any act of an enrollee while absent from the assigned post of duty of such enrollee, except while participating in an activity (including an activity while on pass or during travel to or from such post or duty) authorized by or under the direction and supervision of the Job Corps;

(B) in computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) Whenever the Secretary finds a claim for damages to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, the Secretary is authorized to adjust and settle it in an amount not exceeding $1,500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

SPECIAL PROVISIONS

Sec. 437. (a) The Secretary shall immediately take steps to achieve an enrollment of 50 percent women in the Job Corps consistent with (1) efficiency and economy in the operation of the program, (2) sound administrative practice, and (3) the socioeconomic, educational, and training needs of the population to be served.

(b) The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the Job Corps program shall become the property of the United States.

(c) Transactions conducted by private for-profit contractors for Job Corps centers which they are operating on behalf of the Secretary shall not be considered as generating gross receipts.

GENERAL PROVISIONS

Sec. 438. The Secretary is authorized to—

(1) disseminate, with regard to the provisions of section 3204 of title 39, United States Code, data and information in such forms as the Secretary shall deem appropriate, to public agencies, private organizations, and the general public;

(3) collect or compromise all obligations to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

(D) expend funds made available for purposes of this part—

(A) for printing and binding, in accordance with applicable law and regulation; and

(B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not utilize the authority contained in this subparagraph—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this part, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form or under the conditions in which it is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of the Secretary's intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

DONATIONS

Sec. 429. The Secretary is authorized to accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including but not limited to, equipment and materials, if such donations are available for appropriate use for the purposes set forth in this part.

PART C—VETERANS' EMPLOYMENT PROGRAMS

PROGRAMS AUTHORIZED

Sec. 441. (a)(1) The Secretary shall conduct, directly or through grant or contract, programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service.

(2) Programs supported under this part may be conducted through public agencies and private nonprofit organizations, including recipients under other provisions of this Act that the Secretary determines have an understanding of the unemployment problems of such veterans, familiarity with the area to be served, and the capability to administer effectively a program of employment and training assistance for such veterans.

(3) Programs supported under this part shall include, but not be limited to—

(A) activities to enhance services provided veterans by other providers of employment and training services funded by Federal, State, or local government;

(B) activities to provide employment and training services to such veterans not adequately provided by other public employment and training service providers; and

(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job-training, on-the-job training and educational opportunities under this Act, under title 38, United States Code, and under other provisions of law.

(b)(1) The Secretary shall administer programs supported under this part through the Assistant Secretary for Veterans' Employment.

(2) In carrying out responsibilities under this part, the Assistant Secretary for Veterans' Employment shall—

(A) be responsible for the awarding of grants and the distribution of funds under this part and for the establishment of appropriate fiscal controls, accountability, and program performance standards for grant recipients under this part; and

(B) consult with the Administrator of Veterans' Affairs and take steps to ensure that programs supported under this part are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, United States Code, including programs and activities conducted under subchapter IV of chapter 3 of such title, chapters 31 and 34 of such title, and sections 612A, 620A, 1787, and 2008A of such title.

PART D—NATIONAL ACTIVITIES

MULTISTATE PROGRAMS

Sec. 451. (a) Funds available to carry out this section shall be used for job training programs or services (as authorized under any other provision of this Act) which are most appropriately administered at the national level and which are operated in more than one State.

(b) Programs which are most appropriately administered at the national level include programs such as—

(1) programs addressed to industry-wide skill shortages;

(2) programs designed to train workers for employment opportunities located in another State;

(3) regional or nationwide efforts to develop a labor force with skills that promote the use of renewable energy technologies, energy conservation, and the weatherization of homes occupied by low-income families;

(4) programs designed to develop information networks among local programs with similar objectives under this Act; and

(5) programs which require technical expertise available at the national level and which serve specialized needs of particular client groups, including offenders, individuals of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance.

RESEARCH AND DEMONSTRATION

Sec. 452. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of employment and training research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's employment and training problems. The program under this section may include studies concerning the development or improvement of Federal, State, local, and privately supported employment and training programs; labor market processes and outcomes; policies and programs to reduce unemployment and the relationships thereof with price stability and other national goals; productivity of labor; improved means of forecasting and using forecasts of labor supply and demand at the national and subnational levels; methods of improving the wages and employment opportunities of low-skilled and disadvantaged workers; measuring and developing policies to eliminate worker shortages; and easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

(b) The Secretary shall establish a program of experimental, developmental, and demonstration projects, through grants or contracts, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. Research activities may include studies, experiments, demonstrations, and pilot projects in such areas as easing the transition from school to work, assessing the changing demographics of the American work-force and addressing the short-term and long-term impact of the changes, increasing employment of skilled workers critical to defense readiness, and, subject to the last sentence of this subsection, projects developed in conjunction with the Secretary of Defense to meet civilian manpower needs on military installations and in the private sector, and eliminating artificial barriers to employment. The Secretary may pay not to exceed 60 percent of the costs of projects developed in conjunction with the Secretary of Defense described in the preceding sentence, and the contributions of the Department of Defense may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

PILOT PROJECTS

Sec. 453. (a) From funds made available under this part, the Secretary may provide financial assistance for pilot projects which meet the employment-related needs of persons including the handicapped and displaced homemakers who face particular disadvantages in specific and general labor markets or occupations and other persons whom the Secretary determines require special assistance, and projects designed to address skill shortages that affect other critical national objectives, including national security.

(b) Each pilot project assisted under this section shall be designed to assist in eliminating artificial and other employment barriers faced by such persons.

(c) No project under this section shall be financially assisted for more than three years under this Act.

(d) In selecting recipients under this section, the Secretary shall give special consideration to applications submitted by community-based organizations of demonstrated effectiveness, as well as to labor unions, and trade associations and their affiliates that address nationwide concerns through programs operating in more than one State.

EVALUATION

Sec. 454. (a) The Secretary shall provide for the continuing evaluation of all programs, activities, and research and demonstration projects conducted pursuant to this Act, including their cost-effectiveness in achieving the purposes of this Act, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services.

(b) The Secretary shall evaluate the effectiveness of programs authorized under this Act and part C of title II of the Social Security Act with respect to the statutory goals, the performance standards established by the Secretary, and of increases in employment and earnings for participants, reduced income support costs, increased tax revenues, duration in training and employment situations, information on the post-enrollment labor market experience of program participants for at least a year following their termination from such programs, and comparable information on other employees or trainees of participating employers.

TRAINING AND TECHNICAL ASSISTANCE

Sec. 455. (a) The Secretary, in consultation with appropriate officials, shall provide directly or through grants, contracts, or other arrangements, appropriate preservice and inservice training for specialized, supportive, supervisory, or other personnel, including job skills teachers, and appropriate technical assistance (including technical assistance to training programs for housing for migrant and seasonal farmworkers) with respect to programs under this Act, including the development and attainment of performance goals. Such activities may include the utilization of training and technical assistance capabilities which exist at the State and service delivery area level.

(b) The Secretary shall establish a national clearinghouse to disseminate materials and information gained from exemplary program experience which may be of use in the innovation or improvement of other programs conducted pursuant to this Act.

PART E—LABOR MARKET INFORMATION

LABOR MARKET INFORMATION; AVAILABILITY OF FUNDS

Sec. 461. (a) The Secretary shall set aside, out of sums available to the Department for any fiscal year including sums available for this title, such sums as may be necessary to maintain a comprehensive system of labor market information on a national, regional, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion.

(b) Funds available for purposes of this part shall also be available for purposes of section 125 (relating to State labor market information).

(c) Notwithstanding any other provision of law, funds available to other Federal agencies for carrying out chapter 35 of title 44, United States Code, the Vocational Education Act of 1963, and the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act), may be made available by the head of each such agency to assist in carrying out the provisions of this part.

COOPERATIVE LABOR MARKET INFORMATION PROGRAM

Sec. 462. (a) The Secretary shall develop and maintain for the Nation, States, and local areas, current employment data by occupation and industry, based on the occupational employment statistics program, including selected sample surveys, and projections by the Bureau of Labor Statistics of employment and openings by occupation.

(b) The Secretary shall maintain descriptions of job duties, training and education requirements, working conditions, and characteristics of occupations.

(c) In carrying out the provisions of this section, the Secretary shall assure that—

(1) departmental data collecting and processing systems are consolidated to eliminate overlap and duplication;

(2) the criteria of chapter 35 of title 44, United States Code, are met; and

(3) standards of statistical reliability and national standardized definitions of employment, unemployment, and industrial and occupational definitions are used.

(d)(1) The Secretary is authorized to develop data for an annual statistical measure of labor market related economic hardship in the Nation. Among the factors to be considered in developing such a measure are unemployment, labor force participation, involuntary part-time employment, and full-time employment at wages less than the poverty level.

(2) The Secretary is authorized to develop and maintain, on national, State, local, and other appropriate bases, household budget data at different levels of living, including a level of adequacy, to reflect the differences of household living costs in regions and localities, both urban and rural.

(3) The Secretary shall publish, at least annually, a report relating labor force status to earnings and income.

(e) The Secretary shall develop and maintain statistical data relating to permanent lay-offs and plant closings. The Secretary shall publish a report based upon such data, as soon as practicable, after the end of each calendar year. Among the data to be included are—

(1) the number of such closings;
(2) the number of workers displaced;
(3) the location of the affected facilities; and
(4) the types of industries involved.

SPECIAL FEDERAL RESPONSIBILITIES

Sec. 463. (a) The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Education, and the Director of the Office of Management and Budget, through the National Occupational Information Coordinating Committee established under section 161(b) of the Vocational Education Act of 1963, shall—

(1) review the need for and the application of all operating national data collection and processing systems in order to identify gaps, overlap, and duplications, and integrate at the national level currently available data sources in order to improve the management of information systems;

(2) maintain, assure timely review, and implement national standardized definitions with respect to terms, geographic areas, timing of collection, and coding measures, to the maximum extent feasible; and

(3) provide technical assistance to the States in the development, maintenance, and utilization of labor market/occupational supply and demand information systems and projections of supply and demand as described in section 125, with special emphasis on assistance in the utilization of cost-efficient automated systems and improving access of individuals to career opportunities information in local and State labor markets.

(b) The Secretary, in cooperation with the Secretary of Defense, shall assure the development of an integrated occupational supply and demand information system to be used by States and, in particular, in secondary and postsecondary educational institutions in order to assure young persons adequate information on career opportunities in the Armed Forces.

(c) The Secretary and the Director of the Office of Management and Budget shall assure that, from the funds reserved for this part, sufficient funds are available to provide staff at the Federal level to assure the coordination functions described in this section.

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

Sec. 464. (a)(1) Of the amounts available for this part, not more than $5,000,000 is authorized to be reserved for the National Occupational Information Coordinating Committee (established pursuant to section 161(b) of the Vocational Education Act of 1963).

(2) In addition to the members required by such Act, the Committee shall include the Assistant Secretary of Commerce for Economic Development and the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

(3) Not less than 75 percent of the funds transferred by the Secretary to the National Occupational Information Coordinating Committee shall be used to support State occupational information coordinating committees and other organizational units designated under section 125 for carrying out State labor market information programs.

(b) In addition to its responsibilities under the Vocational Education Act of 1963, the National Occupational Information Coordinating Committee shall—

(1) carry out the provisions of section 463.

(2) give special attention to the labor market information needs of youth and adults, including activities such as (A) assisting and encouraging States to adopt methods of translating national occupational outlook information into State and local terms; (B) assisting and encouraging the development of State occupational information systems, including career information delivery systems and the provision of technical assistance for programs of on-line computer systems and other facilities to provide career information at sites such as local schools, public employment service offices, and job training programs authorized under this Act; (C) in cooperation with educational agencies and institutions, encouraging programs providing career information, counseling, and employment services for postsecondary youth; and (D) in cooperation with State and local correctional agencies, encouraging programs of counseling and employment services for youth and adults in correctional institutions;

(3) provide training and technical assistance, and continuing support to State occupational information coordinating committees, in the development, maintenance, and use of occupational supply and demand information systems, with special emphasis on the use of cost efficient automated systems for delivering occupational information to planners and administrators of education and training programs and on improving the access of such planners and administrators to occupational information systems;

(4) publish at least annually a report on the status of occupational information capabilities at the State and national levels, which may include recommendations for improvement of occupational information production and dissemination capabilities;

(5) conduct research and demonstration projects designed to improve any aspect of occupational and career information systems;

(6) provide technical assistance for programs designed to encourage public and private employers to list all available job opportunities with occupational information and career counseling programs conducted by administrative entities and with local public employment service offices and to encourage cooperation and contact among such employers and such administrative entities and public employment service offices; and

(7) providing assistance to units of general local government and private industry councils to familiarize them with labor market information resources available to meet their needs.

(a) All funds available to the National Occupational Information Coordinating Committee under this Act, under section 161 of the Vocational Education Act of 1963, and under section 12 of the Career Education Act may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

JOB BANK PROGRAM

Sec. 465. The Secretary is authorized to establish and carry out a nationwide computerized job bank and matching program (including the listing of all suitable employment openings with local offices of the State employment service agencies by Federal contractors and subcontractors and providing for the affirmative action as required by section 2012(a) of title 38, United States Code, on a regional, State, and local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available individuals and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged individuals with employer requirements and job opportunities, and referring and placing such individuals in jobs. An occupational information file may be developed, containing occupational projections of the numbers and types of jobs on regional, State, local, and other appropriate bases, as well as labor supply information by occupation.

PART F—NATIONAL COMMISSION FOR EMPLOYMENT POLICY

STATEMENT OF PURPOSE

Sec. 471. The purpose of this part is to establish a National Commission for Employment Policy which shall have the responsibility for examining broad issues of development, coordination, and administration of employment and training programs, and for advising the President and the Congress on national employment and training issues. For the purpose of providing funds for the Commission, the Secretary shall reserve $2,000,000 of the sums appropriated for this title for each fiscal year.

COMMISSION ESTABLISHED

Sec. 472. (a) There is established a National Commission for Employment Policy (hereinafter in this part referred to as the "Commission"). The Commission shall be composed of 15 members, appointed by the President. The members of the Commission shall be individuals who are nationally prominent and the Commission shall be broadly representative of agriculture, business, labor, commerce, education (including elementary, secondary, postsecondary, and vocational and technical education), veterans, current State and local elected officials, community-based organizations, assistance programs, and members of the general public with expertise in human resource development or employment and training policy. One of the members shall be a representative of the National Advisory Council on Vocational Education (established under section 162 of the Vocational Education Act of 1963). The membership of the Commission shall be generally representative of significant segments of the labor force, including women and minority groups.

(b) The term of office of each member of the Commission appointed by the President under subsection (a) shall be three years, except that—

(1) any such member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed, and

(2) of such members first taking office—

(A) five shall serve for terms of one year;

(B) five shall serve for terms of two years; and

(C) five shall serve for terms of three years;

as designated by the President at the time of appointment.

(c)(1) The Chairman shall be selected by the President.

(2) The Commission shall meet not fewer than three times each year at the call of the Chairman.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings. Any recommendation may be passed only by a majority of the members present. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman.

FUNCTIONS OF THE COMMISSION

Sec. 473. The Commission shall—

(1) identify the employment goals and needs of the Nation, and assess the extent to which employment and training, vocational education, institutional training, vocational rehabilitation, economic opportunity programs, public assistance policies, employment-related tax policies, labor exchange policies, and other policies and programs under this Act and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) develop and make appropriate recommendations designed to meet the needs and goals described in clause (1);

(3) examine and evaluate the effectiveness of federally assisted employment and training programs (including programs assisted under this Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations made under clause (2);

(4) advise the Secretary on the development of national performance standards and the parameters of variations of such standards for programs conducted pursuant to this Act;

(5) evaluate the impact of tax policies on employment and training opportunities;

(6) examine and evaluate major Federal programs which are intended to, or potentially could, contribute to achieving major objectives of existing employment and training and related legislation or the objectives set forth in the recommendations of the Commission; and particular attention shall be given to the programs which are designed, or could be designed, to develop information and knowledge about employment and training problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of employment and training programs;

(7)(A) identify, after consultation with the National Advisory Council on Vocational Education, the employment and training and vocational education needs of the Nation and assess the extent to which employment and training, vocational education, rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment, at least once annually, on the reports of the National Advisory Council on Vocational Education, which com-

ments shall be included in one of the reports submitted by the National Commission pursuant to this title and in one of the reports submitted by the National Advisory Council on Vocational Education pursuant to section 162 of the Vocational Education Act of 1963;

(8) study and make recommendations on how, through policies and actions in the public and private sectors, the Nation can attain and maintain full employment, with special emphasis on the employment difficulties faced by the segments of the labor force that experience differentially high rates of unemployment;

(9) identify and assess the goals and needs of the Nation with respect to economic growth and work improvements, including conditions of employment, organizational effectiveness and efficiency, alternative working arrangements, and technological changes;

(10) evaluate the effectiveness of training provided with Federal funds in meeting emerging skill needs; and

(11) study and make recommendations on the use of advanced technology in the management and delivery of services and activities conducted under this Act.

ADMINISTRATIVE PROVISIONS

SEC. 474. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman is authorized to—

(1) prescribe such rules and regulations as may be necessary;

(2) appoint and fix the compensation of such staff personnel as the Chairman deems necessary, and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and the General Schedule pay rates, appoint not to exceed five additional professional personnel;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) accept voluntary and uncompensated services of professional personnel, consultants, and experts, notwithstanding any other provision of law;

(5) accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Commission under this title;

(6) enter into contracts and make such other arrangements and modifications, as may be necessary;

(7) conduct such studies, hearings, research activities, demonstration projects, and other similar activities as the Commission deems necessary to enable the Commission to carry out its functions under this title;

(8) use the services, personnel, facilities, and information of any department, agency, and instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private research agencies, with the consent of such agencies, with or without reimbursement therefor; and

(9) make advances, progress, and other payments necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529).

(b) Upon request made by the Chairman of the Commission, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information (including computer time, estimates, and statistics) available to the greatest practicable extent to the Commission in the performance of its functions under this Act.

REPORTS

SEC. 475. The Commission shall make at least annually a report of its findings and recommendations to the President and to the Congress. The Commission may make such interim reports or recommendations to the Congress, the President, the Secretary, or to the heads of other Federal departments and agencies, and in such form, as it may deem desirable. The Commission shall include in any report made under this section any minority or dissenting views submitted by any member of the Commission.

PART G—TRAINING TO FULFILL AFFIRMATIVE ACTION OBLIGATIONS

AFFIRMATIVE ACTION

SEC. 481. (a) A contractor subject to the affirmative action obligations of Executive Order 11246, as amended, issued September 24, 1965, may establish or participate in training programs pursuant to this section for individuals meeting the eligibility criteria established in sections 203(a)(1), 401, and 402, which are designed to assist such contractors in meeting the affirmative action obligations of such Executive order. To qualify under this section, such a training program shall contain—

(1) a description of the jobs in the contractor's work force or in the service delivery area, for which the contractor has determined there is a need for training;

(2) a description of the recruiting, training, or other functions that the contractor, or the organization that will be engaged to perform the training, will perform and the steps that will be taken to insure that eligible individuals will—

(A) be selected for participation in training,

(B) be trained in necessary skills, and

(C) be referred for job openings,

in accordance with the objectives of such Executive order;

(3) whenever an organization other than the contractor will perform the training, a description of the demonstrated effectiveness of the organization as a provider of employment and training services;

(4) a description of how the contractor will monitor the program to keep an accurate accounting of all trainees, including (A) whether the trainees successfully complete the training program, and (B) whether the trainees are or are not placed; and

(5) an estimation of the cost of the program and an assurance that the contractor will assume all costs of the program or the pro rata share of costs to the contractor of the program.

(b)(1)(A) If the training proposal is designed to meet the needs of the community rather than, or in addition to, the employment needs of the contractor, and has not been approved by another Federal agency, the program shall be submitted to the private industry council established under section 102 for a determination that there is a need for such training in the community.

(B) Individuals trained under any program satisfying the requirements of this section may be included by the private industry council in its performance accomplishments and the wage gains of such individuals shall be included in determining the compliance of the job training program of the private industry council with applicable standards.

(2) The Director of the Office of Federal Contract Compliance Programs, Department of Labor, shall promulgate regulations setting forth how the Office will determine, during a compliance review, the degree to which a training program will satisfy the contractor's affirmative action obligations. The training and placement of trainees with employers other than the contractor may be considered in evaluating such contractor's overall good faith efforts, but in no event may placement of trainees with employers other than the contractor be permitted to affect that contractor's affirmative action obligations respecting its work force. The content of the training program will not be subject to review or regulation by the Office of Federal Contract Compliance Programs. If during a compliance review the Director of the Office of Federal Contract Compliance Programs determines that a training program does not comply with its regulations, the Director shall—

(A) notify the contractor of the disapproval,

(B) set forth the reasons for the disapproval, and

(C) provide a list of recommendations which, if accepted, will qualify the training program under this section.

(3) A contractor who has a training program which contains the criteria set forth in subsection (a) and which is in accordance with regulations promulgated under paragraph (2) of this subsection shall continue to meet the affirmative action obligations of Executive Order 11246, as amended, but the contractors required to maintain a written affirmative action program need only maintain an abbreviated affirmative action program, the content and length of which shall be determined by the Director of the Office of Federal Contract Compliance Programs, to satisfy the written affirmative action program portion of their obligations under Executive Order 11246, as amended. Successful performance or operation of a training program meeting the criteria set forth in subsection (a) shall create a presumption that the contractor has made a good faith effort to meet its affirmative action obligations to the degree specified by the Director under paragraph (2) of this subsection, but that presumption shall not be applicable to the satisfaction of other affirmative action obligations not directly related to the training and hiring requirements of this section, or other affirmative action obligations not affected by this section. For the purpose of the preceding sentence, "successful performance or operation" means training and placing in jobs a number of individuals which bears a reasonable relationship to the number of job openings in the contractors's facilities or in the relevant labor market area.

(c) Nothing in this section may be interpreted—

(1) to compel contractor involvement in such programs,

(2) to establish the exclusive criteria by which a contractor can be found to have fulfilled its affirmative action obligations,

(3) to provide authority for imposing any additional obligations on contractors not participating in such training activities,

(4) to permit the Office of Federal Contract Compliance Programs to intervene or interfere with the authority and responsibilities of the private industry councils,

(5) to restrict or limit the authority of the Secretary to investigate the employment practices of any Government contractor, to initiate such investigation by the Director, to determine whether any nondiscrimination contractual provisions have been violated, or to enforce Executive Order 11246, or

(6) to prohibit the Secretary or the Director, or other authorized officers of the United States, from requesting or compelling any contractor preparing and maintaining a short form affirmative action plan under subsection (b) to provide information necessary to conduct a compliance review or to provide data necessary to determine whether any violation of Executive Order 11246 has occurred.

TITLE V—MISCELLANEOUS PROVISIONS

AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 501. (a) The Act of June 6, 1933, known as the Wagner-Peyser Act (29 U.S.C. 49 et seq.), is amended by striking out all that precedes section 4 of such Act and inserting in lieu thereof the following:

"SECTION 1. In order to promote the establishment and maintenance of a national system of public employment offices, the United States Employment Service shall be established and maintained within the Department of Labor.

"Sec. 2. For purposes of this Act—

"(1) the term 'chief elected official or officials' has the same meaning given that term under the Job Training Partnership Act;

"(2) the term 'private industry council' has the same meaning given that term under the Job Training Partnership Act;

"(3) the term 'Secretary' means the Secretary of Labor;

"(4) the term 'service delivery area' has the same meaning given that term under the Job Training Partnership Act; and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"Sec. 3. (a) The United States Employment Service shall assist in coordinating the State public employment services throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the States.

"(b) It shall be the duty of the Secretary of Labor to assure that unemployment insurance and employment service offices in each State, as appropriate, upon request of a public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, shall (and, notwithstanding any other provision of law, is authorized to) furnish to such agency making the request, from any data contained in the files of any such office, information with respect to any individual specified in the request as to (1) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (2) the current (or most recent) home address of such individual, and (3) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor."

(b) Section 5 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which—

"(1) except in the case of Guam, has an unemployment compensation law approved by the Secretary under the Federal Unemployment Tax Act and is found to be in compliance with section 303 of the Social Security Act, as amended,

"(2) is found to have coordinated the public employment services with the provision of unemployment insurance claimant services, and

"(3) is found to be in compliance with this Act,

such amounts as the Secretary determines to be necessary for payment in accordance with section 6.

"(c)(1) Beginning with fiscal year 1985 and thereafter appropriations for any fiscal year for programs and activities assisted or conducted under this Act shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

"(2) Funds obligated for any program year may be expended by the State during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

"(3)(A) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

"(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.".

(c) Such Act is amended by adding at the end of section 5 the following new sections:

"Sec. 6. (a) From the amounts appropriated pursuant to section 5 for each fiscal year, the Secretary shall first allot to Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this Act in fiscal year 1983.

"(b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the Secretary shall allot the remainder of the sums appropriated and certified pursuant to section 5 of this Act for each fiscal year among the States as follows:

"(A) two-thirds of such sums shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and

"(B) one-third of such sums shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary of Labor.

"(2) No State's allotment under this section for any fiscal year shall be less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this section, the Secretary shall determine the allotment percentage for each State (including Guam and the Virgin Islands) for fiscal year 1984 which is the percentage that the State received under this Act for fiscal year 1983 of the total amounts available for payments to all States for such fiscal year. For each succeeding fiscal year, the allotment percentage for each such State shall be the percentage that the State received under this Act for the preceding fiscal year of the total amounts available for allotments for all States for such fiscal year.

"(3) For each fiscal year, no State shall receive a total allotment under paragraphs (1) and (2) which is less than 0.28 percent of the total amount available for allotments for all States.

"(4) The Secretary shall reserve such amount, not to exceed 3 percent of the sums available for allotments under this section for each fiscal year, as shall be necessary to assure that each State will have a total allotment under this section sufficient to provide staff and other resources necessary to carry out employment service activities and related administrative and support functions on a statewide basis.

"(5) The Secretary shall, not later than March 15 of fiscal year 1983 and each succeeding fiscal year, provide preliminary planning estimates and shall, not later than May 15 of each such fiscal year, provide final planning estimates, showing each State's projected allocation for the following year.

"Sec. 7. (a) Ninety percent of the sums allotted to each State pursuant to section 6 may be used—

"(1) for job search and placement services to job seekers including counseling, testing, occupational and labor market information, assessment, and referral to employers;

"(2) for appropriate recruitment services and special technical services for employers; and

"(3) for any of the following activities:

"(A) evaluation of programs;

"(B) developing linkages between services funded under this Act and related Federal or State legislation, including the provision of labor exchange services at education sites;

"(C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;

"(D) developing and providing labor market and occupational information;

"(E) developing a management information system and compiling and analyzing reports therefrom; and

"(F) administering the work test for the State unemployment compensation system and providing job finding and placement services for unemployment insurance claimants.

"(b) Ten percent of the sums allotted to each State pursuant to section 6 shall be reserved for use in accordance with this subsection by the Governor of each such State to provide—

"(1) performance incentives for public employment service offices and programs, consistent with performance standards established by the Secretary, taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;

"(2) services for groups with special needs, carried out pursuant to joint agreements between the employment service and the appropriate private industry council and chief elected official or officials or other public agencies or private nonprofit organizations; and

"(3) the extra costs of exemplary models for delivering services of the types described in subsection (a).

"(c) In addition to the services and activities otherwise authorized by this Act, the United States Employment Service or any State agency designated under this Act may perform such other services and activities as shall be specified in contracts for payment or reimbursement of the costs thereof made with the Secretary of Labor or with any Federal, State, or local public agency, or administrative entity under the Job Training Partnership Act, or private nonprofit organization.".

(d) Section 8 of such Act is amended—

(1) by striking out "Director" each place it appears and inserting in lieu thereof "Secretary of Labor";

(2) by designating the first sentence thereof as subsection (a);

(3) by designating the second and third sentences thereof as subsection (d);

(4) by designating the fourth sentence thereof as subsection (e); and

(5) by inserting after subsection (a) as amended by clause (1) of this subsection the following subsections:

"(b) Prior to submission of such plans to the Secretary—

"(1) the employment service shall develop jointly with each appropriate private industry council and chief elected official or officials for the service delivery area (designated under the Job Training Partnership Act) those components of such plans applicable to such area;

"(2) such plans shall be developed taking into consideration proposals developed jointly by the appropriate private industry council and chief elected official or officials in the service delivery area affected;

"(3) such plans shall be transmitted to the State job training coordinating council (established under such Act) which shall certify such plans if it determines (A) that the components of such plans have been jointly agreed to by the employment service and appropriate private industry council and chief elected official or officials; and (B) that such plans are consistent with the Governor's coordination and special services plan under the Job Training Partnership Act;

"(4) if the State job training coordinating council does not certify that such plans meet the requirements of clauses (A) and (B) of paragraph (3), such plans shall be returned to the employment service for a period of thirty days for it to consider, jointly with the appropriate private industry council and chief elected official or officials, the council's recommendations for modifying such plans; and

"(5) if the employment service and the appropriate private industry council and chief elected official or officials fail to reach agreement upon such components of such plans to be submitted finally to the Secretary, such plans submitted by the State agency shall be accompanied by such proposed modifications as may be recommended by any appropriate disagreeing private industry council and chief elected official or officials affected, and the State job training coordinating council shall transmit to the Secretary its recommendations for resolution thereof.

"(c) The Governor of the State shall be afforded the opportunity to review and transmit to the Secretary proposed modifications of such plans submitted.".

(e) Section 9 of such Act is amended to read as follows:

"Sec. 9. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under this Act. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

"(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of funds received under this Act.

"(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

"(b)(1) The Comptroller General of the United States shall evaluate the expenditures by States of funds received under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of the State in accomplishing the purposes of this Act. The Comptroller General shall conduct evaluations whenever determined necessary and shall periodically report to the Congress on the findings of such evaluations.

"(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

"(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State.

"(c) Each State shall repay to the United States amounts found not to have been expended in accordance with this Act. No such finding shall be made except after notice and opportunity for a fair hearing. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act.".

(f) Section 10 of such Act is amended to read as follows:

"Sec. 10. (a) Each State shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

"(b)(1) The Secretary may investigate such facts, conditions, practices, or other matters which the Secretary finds necessary to determine whether any State receiving funds under this Act or any official of such State has violated any provision of this Act.

"(2)(A) In order to evaluate compliance with the provisions of this Act, the Secretary shall conduct investigations of the use of funds received by States under this Act.

"(B) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any State.

"(3) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request new compilation of information not readily available to such State.

"(c) Each State receiving funds under this Act shall—

"(1) make such reports concerning its operations and expenditures in such form and containing such information as shall be prescribed by the Secretary, and

"(2) establish and maintain a management information system in accordance with guidelines established by the Secretary designed to facilitate the compilation and analysis of programmatic and financial data necessary for reporting, monitoring, and evaluating purposes.".

(g) Section 11(a) of such Act is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed to prohibit the Governor from carrying out functions of such State advisory council through the State job training coordinating council in accordance with section 122(c) of the Job Training Partnership Act.".

(h) Such Act is amended by adding at the end thereof the following new sections:

"Sec. 13. (a) The Secretary is authorized to establish performance standards for activities under this Act which shall take into account the differences in priorities reflected in State plans.

"(b) Nothing in this Act shall be construed to prohibit the referral of any applicant to private agencies as long as the applicant is not charged a fee.

"Sec. 14. There are authorized to be appropriated such sums as may be necessary to enable the Secretary to provide funds through reimbursable agreements with the States to operate statistical programs which are essential for development of estimates of the gross national product and other national statistical series, including those related to employment and unemployment.

"Sec. 15. This Act may be cited as the 'Wagner-Peyser Act'.".

AMENDMENTS TO PART C OF TITLE IV OF THE SOCIAL SECURITY ACT

SEC. 502. (a) Section 432(d) of the Social Security Act is amended to read as follows:

"(d) In providing the training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available under this or any other Act. In order to assure that the services and opportunities so required are provided, the Secretary of Labor (1) shall assure, when appropriate, that registrants under this part are referred for training and employment services under the Job Training Partnership Act, and (2) may use the funds appropriated under this part to provide programs required by this part through such other Acts to the same extent and under the same conditions (except as regards the Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to individuals under this part to the extent that such services and opportunities are not otherwise available on a nonreimbursable basis.".

(b)(1) Section 432(f) of such Act is amended—

(A) by amending paragraph (1) to read as follows:

"(f)(1) The Secretary of Labor shall utilize the services of each private industry council (as established under the Job Training Partnership Act) to identify and provide advice on the types of jobs available or likely to become available in the service delivery area of such council.";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) by striking out "Labor Market Advisory Council" in such paragraph and inserting in lieu thereof "private industry council".

(2) Section 433(b)(2) of such Act is amended by striking out "Labor Market Advisory Council (established pursuant to section 432(f))" and inserting in lieu thereof "private industry council under the Job Training Partnership Act".

(c)(1) Section 432(b)(1)(A) of such Act is amended by inserting before the comma at the end thereof the following: ", which may include intensive job search services, including participation in group job search activities".

(2) Section 433(a) of such Act is amended by striking out "unemployed fathers" and inserting in lieu thereof "unemployed parents who are the principal earners (as defined in section 407)".

(3) Section 433 of such Act is amended by adding at the end thereof the following new subsection:

"(i) In planning for activities under this section, the chief executive officer of each State shall make every effort to coordinate such activities with activities provided by the appropriate private industry council and chief elected official or officials under the Job Training Partnership Act.".

EARNINGS DISREGARD

SEC. 503. (a) Section 402(a)(8)(A) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (iii);

(2) in clause (iv), by striking out "already disregarded under the preceding provisions of this paragraph" and inserting in lieu thereof "disregarded under any other clause of this subparagraph"; and

(3) by adding at the end thereof the following new clause:

"(v) may disregard the income of any dependent child applying for or receiving aid to families with dependent children which is derived from a program carried out under the Job Training Partnership Act (as originally enacted), but only in such amounts, and for such period of time (not to exceed six months with respect to earned income) as the Secretary may provide in regulations; and".

(b) Section 402(a)(18) of such Act is amended by inserting ", other than paragraph (8)(A)(v)" after "without application of paragraph (8)".

ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT

SEC. 504. The Secretary shall insure that each individual participating in any program established under this Act, or receiving any assistance or benefit under this Act, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary in carrying out this section.

Approved October 13, 1982.

federal register

Tuesday
January 18, 1983

Part IV

Department of Labor

Employment and Training Administration

Implementing Regulations for Programs Under the Job Training Partnership Act; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638

Implementing Regulations for Programs Under the Job Training Partnership Act (Pub. L. 97-300)

January 14, 198

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes new rules regarding the implementation of programs under Titles I, II and III of the Job Training Partnership Act. The Secretary is required to publish final regulations by March 15, 1983, so that states and service delivery areas can begin planning and preparing for implementation of the new Act by October 1, 1983. The purpose of this publication is to request comments on these proposed rules.

Final rules dealing with the establishment of state job training coordinating councils and private industry councils (PICs), and the designation of service delivery areas (SDAs), were previously published in the Federal Register, 47 FR 58492 (December 30, 1982) as 20 CFR Part 626. The text of §§ 626.2, 626.3 and 626.4 of those rules has been incorporated as §§ 627.4, 628.1 and 628.2 respectively. It is being republished at this time for consistency and completeness, and is not subject to this request for comments.

DATE: Comments must be submitted on or before February 17, 1983.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213. Attention: Patrick J. O'Keefe, Director, Transition Task Force.

FOR FURTHER INFORMATION CONTACT: Patrick J. O'Keefe, Telephone (202) 376-8444.

SUPPLEMENTARY INFORMATION:

A. Purpose of JTPA

On October 13, 1982, the President signed into law the Job Training Partnership Act, Pub. L. 97-300 (JTPA or the Act). The new statute replaces the Comprehensive Employment and Training Act with a new program and delivery system to train economically disadvantaged persons and others for permanent, private sector employment.

Title I of the Act sets forth the state and local service delivery system and planning requirements. It provides policies and procedures on the development and implementation of performance standards and defines basic administrative requirements under the Act. Title II authorizes and sets out requirements for adult and youth training programs to be administered by the state and planned and carried out through a partnership between the private sector and government at the local level. Title III provides for a state administered training and placement assistance program for dislocated workers. Title IV authorizes federally administered activities, including programs for Native Americans, migrant and seasonal farmworkers, veterans, labor market information, the Job Corps, and other national activities. Title V's provisions include amendments to the Wagner-Peyser Act and the Social Security Act.

B. Authority to Issue Regulations

General rulemaking authority is contained in section 169 of the Act. In addition, section 181 provides for the early publication of those regulations necessary to structure and implement the planning system under Title I of the new statute and all aspects of programs under Title II. By January 1, 1983, the Secretary must have published final regulations on the establishment of the state job training coordinating councils and the designation of SDAs. By January 15, 1983, the Secretary must have published final regulations governing the establishment of PICs. Final regulations governing all aspects of programs under Title II, including the general provisions which are found in Title I, must be published by March 15, 1983.

Combined regulations for the establishment of the state job training coordinating councils, the designation of SDAs and the establishment of PICs have been separately prepared and were published in final form December 30, 1982. To provide early and complete guidance for all programs operated at the state and local level, the combined regulations establishing the planning structure, and the provisions for employment and training assistance for dislocated workers under Title III are incorporated in these regulations. This will afford reviewers of this document an opportunity to place all planning and operational considerations in context, and at the same time alert states and service deliveres to their ultimate roles under the JTPA beginning October 1, 1983, and beyond. Comments received as a result of this publication will be reconciled by the Department so that final regulations for Titles I, II and III can be published by March 15, 1983.

C. The Act and Regulations

The Congress intended in the JTPA to give Governors and local officials, including PICs, maximum authority and flexibility in the design and administration of programs. The Secretary believes that the Act is sufficiently clear and, therefore, requires only limited and selective interpretation via regulations. Governors and other participants in the delivery system will need to be guided principally by the Act, as supplemented by the regulations. The Act and regulations must be read in concert, along with other documents referenced in these materials.

D. The Role of the PICs and Chief Elected Officials

JTPA establishes a partnership between business and local chief elected officials in each SDA. Through this partnership, the private sector, in cooperation with local elected officials, will play a decisive role in planning and implementing local programs to assure that training is responsive to the requirements of business and industry. JTPA also gives the PIC and local elected officials authority to review, monitor and evaluate local training programs.

Under section 103 of the Act, the PICs and chief elected official(s) in an SDA, through a joint agreement, determine procedures for development of the job training plan and select the SDA grant recipient and administering entity (either or neither of which may be the PIC or local government). Job training plans must be jointly approved by the PIC and local government officials and jointly submitted to the governor.

E. The Role of the Governors

Consistent with JTPA and New Federalism, the regulations establish the basic JTPA grant relationship between the federal government and the governors, on behalf of the states (§ 627.1). Sections 202 and 251 of the Act identify the governor as the recipient of basic Title II training program funds. The governor is also the recipient of Title III dislocated workers program funds (§ 631.1).

Under sections 101 and 105 of the Act, the governors are responsible for designation of service delivery areas, and review and approval of job training plans. The regulations clarify these responsibilities by authorizing the governors to issue instructions and schedules for submission of job training plans and modifications (§ 628.4) and to reconsider corrected plans or modifications initially disapproved by the governor (§ 628.5(a)(2)). In the event

of appeal from a governor's denial of SDA designation or disapproval of a job training plan, however, the Secretary will be predisposed to accept policy judgments made within the state, except where there is a failure to conform to the requirements of the Act or regulations (§§ 628.1(c)(4), 628.5(b)(3)).

The governors are also responsible, under the regulations, for administrative guidance. Governors must provide instructions for documentation of any locally developed formula or procedure for needs-based payments (§ 629.21(b)). They are also authorized to establish policies and procedures governing an SDA's use of income generated by its program (§ 629.32).

With respect to oversight and monitoring, governors have a lead role. Governors are responsible for ensuring maintenance of financial and participant data systems which meet federal monitoring, reporting, and evaluation purposes (§ 629.35). Under section 164(a) of the Act, the states must arrange for an audit of all Titles II and III funds for two years. The regulations clarify that such audits and their resolution are the responsibilities of the governors (§ 629.42).

The governors must also assess the performance of SDAs in their states under the performance standards and, as appropriate, provide incentive grants or technical assistance to SDAs which exceed or fail to meet their performance standards. In instances of repeated failure to meet performance standards, the governor is directed, under section 106(h) of the Act, to reorganize the SDA.

F. Liability and Repayment of Misexpenditures

A fundamental principle underlying the JTPA Act and regulations is that responsibility for the proper disposition of resources flows with the funds. Sections 141(i) and 164 (d), and (e) of the Act impose responsibility on both recipients and subrecipients to assure the proper expenditure of funds. Under section 164 (d) and (e) of the Act, recipients must repay all misexpenditures of funds to the United States. Before sanctioning a recipient for violations of a subrecipient, however, the Secretary must determine whether the four factors in section 162(e)(2) of the Act have been met. Thus, where a recipient's systems for awarding and monitoring contracts, the content of its contracts, its diligence in monitoring, and its actions upon discovering violations demonstrably comply with the forgiveness criteria of section 162(e)(2), the Secretary may waive sanctions against the recipient.

The regulations clarify that the Department's pursuit of misexpenditures will flow first to the governor, as state recipient, and then, through the state, to the SDA grant recipient and other subrecipients. The regulations require governors to resolve state-conducted audits as well as disallowances revealed through federal audits, investigations or monitoring reports (§§ 629.42(d), 629.44(d)). The regulations permit governors to request the Secretary's prior approval of "contemplated corrective actions," including requests to forego collection action where a subrecipient meets the forgiveness criteria in section 164(e) of the Act (§ 629.44(d) (3), (4)). The Governor is not released from liability, however, until the Secretary determines that further collection action would be inappropriate or would prove futile (§ 629.44(D)(5)). Moreover, relief of the governor's liability does not necessarily relieve the SDA grant recipient or other subrecipient of liability.

In addition to determining liability, the Secretary must determine the method of repayment. Section 164(e)(1) of the Act requires repayment from non-JTPA funds where the misexpenditure was due to "willful disregard" of the requirements of the Act, "gross negligence," or "failure to observe accepted standards of administration." In other cases the Secretary has the option, under section 164(d) of the Act, to recover misexpenditures through offset.

The regulations clarify that the Secretary will effect offset by withholding funds allotted to the state (§ 629.44(a)(1)). The governor, in turn, is authorized to pass along the Secretary's offset to the subrecipient incurring the misexpenditure (§ 629.44(e)). There is no requirement that grant expenditures be maintained at planned levels when funds are withheld.

Only those sanctions and corrective actions imposed directly by the Secretary against a recipient of funds are subject to federal administrative appeal provided by section 166(a) of the Act. In the usual case, the Secretary's sanction will be directed at the state recipient of funds, and federal administrative hearings on disallowances will be afforded only to governors. Subrecipients adversely affected by the results of an investigation, audit or monitoring activity are afforded a hearing at the state level (§ 629.54(c)(2)).

In sum, the Secretary retains the right and authority conferred by the Act to monitor and investigate any matters deemed necessary to assure compliance with the Act and these regulations. Similarly, the Secretary retains the right to conduct audits and impose sanctions, including the establishment of liability of misexpenditure of funds. Both recipients and subrecipients are liable for misexpenditures; the Secretary holds the governors accountable for collection of debts from subrecipients due to disallowed costs disclosed through audits to satisfy any financial liabilities, but does not waive the right to pursue such debts where the governor fails to do so.

G. Maximizing Training and Minimizing Administrative Burdens

The regulations reflect the principles of JTPA and New Federalism to devote maximum resources to training and to minimize federally-imposed administrative requirements.

Section 108 of the Act requires that, of the funds available to SDAs under Title II–A, a minimum of 70 percent must be devoted to training, with the remaining 30 percent being allowed for supportive services and work experience activities. Furthermore, of the 30 percent funds, no more than 15 percent may be devoted to administrative costs. The proposed regulations extend this 15 percent administrative cap to other Titles II and III program funds, and apply the 70/30 split both to the Title II statewide older worker programs and to funds distributed to SDAs as performance incentives (§ 629.39). The Department finds these applications of the administrative and non-training cost limitations to be consistent with the intent of JTPA to devote maximum resources to training.

The Department has also taken steps in the regulations to minimize administrative burdens. Following consultation with the Office of Management and Budget (OMB), the Secretary has been informed by the Director of OMB that, except for the few specific standards included in these regulations, the detailed administrative requirements of OMB Circulars A–87 and A–102 and implementing regulations in 41 CFR Part 29–70 do not apply to JTPA programs administered by the governors and their subrecipients (§ 629.1(c)). In addition, the regulations permit administrative cost pooling as a means of providing efficient program management (§ 629.39(g)).

With respect to reporting, only those minimal elements needed for basic fiscal reporting and/or the Secretary's establishment of performance standards will be collected in reports to the Secretary. The Department will require only annual reports, except during the

initial year when more frequent (quarterly) data will be needed (§ 629.36). These provisions are designed to keep federally imposed administrative requirements to a minimum.

The effectiveness of JTPA programs will be measured primarily through the use of performance standards. Under section 106 of the Act, the Secretary will define the performance standards and the parameters within which the standards may be adjusted by the governors to accommodate local conditions. The Act recognizes the complexity of the issues related to the development of reliable and meaningful performance standards and establishes January 31, 1984, as the Department's deadline for the establishment of performance standards for the first full program year. In developing performance standards, the Department will restrict data and paperwork requirements to those necessary to the implementation of Section 106 of the Act.

H. Grievances, Investigations and Hearings

To assure the fair and expeditious resolution of complaints and allegations of impropriety, the regulations contain procedural requirements for grievances, investigations and hearings. The Act and regulations establish separate federal and state procedures for various types of complaints and allegations.

The federal level complaint and hearing procedures provided under sections 164(f) and 166(a) of the Act are available only to JTPA recipients adversely affected by specified Department of Labor actions or sanctions (§ 629.57). Allegations at the federal level concerning violations of the Act of regulations are handled *ex parte* (§§ 629.54, 629.55). Discrimination complaints are handled under the Department's nondiscrimination regulations in 29 CFR Part 31. Pursuant to Section 166(a) of the Act, all other complaints for relief on behalf of individuals or groups asserting rights under the Act are handled exclusively under the state and/or subrecipient grievance procedures and applicable state or other laws.

Sections 629.52 and 629.53 of the regulations describe the grievance and review procedures at the state and subrecipient levels. In accordance with section 144(c) of the Act, the regulations provide for limited federal intervention in the state process, only upon exhaustion of the grievance and review procedures without decision (§ 629.52(d)). In such a case, the Secretary will determine whether reasonable cause exists to believe that the Act or its regulations have been violated. When reasonable cause does exist, the Secretary shall direct the Governor to issue a decision adjudicating the dispute pursuant to state and local procedures. The Secretary may sanction the Governor if a decision is not issued within 60 days of the Secretary's order.

The federal level complaint procedures provide an opportunity for parties to submit their dispute on a stipulated record to an informal reviewer for expedited decision (§ 629.56). Where informal reviewer procedures are not utilized or fail to provide a decision within 60 days, the Governor may request a federal hearing. The Department has proposed the adoption of the forthcoming uniform rules of practice and procedure now being developed by the Department of Labor Office of Administrative Law Judges for hearings at the Federal level.

I. Rulemaking Certifications

These proposed regulations are procedural in character and give direction to states and local service deliverers on the implementation of programs under Titles I, II and III of JTPA. Therefore, these rules are not classified as "major" under Executive Order 12291 on federal regulations, and no regulatory impact analysis is required.

The Department has determined that these rules will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)).

Pursuant to the authority contained in section 161(f)(5) of JTPA, Congress has provided for expedited rulemaking procedures to ensure that final rules are in place by March 15, 1983, as required by section 161(f)(3) of the Act. To meet this statutory deadline, Congress provided that "the Secretary shall be exempt from all requirements of law regarding rulemaking procedures," except that these rules must be published in the Federal Register for a comment period of 30 days, section 161(f)(5).

List of Subjects in 20 CFR Parts 626 through 631

Grant programs—Labor, Manpower training programs.

Accordingly, the Department proposes to revise 20 CFR Part 626, and add Parts 627, 628, 629, 630, and 631 and parts 632—638 are added and reserved as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.
626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

Authority: Job Training Partnership Act, Sec. 169, (29 U.S.C. 1501 et seq., Pub. L. 97-300, 96 Stat. 1322), unless otherwise noted.

§ 626.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to:

(1) Establish programs to prepare youth and unskilled adults for entry into the labor force; and

(2) Afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment (Sec. 2).

(b) All provisions contained in these regulations and the Job Training Partnership Act shall take effect no later than October 1, 1983 (Sec. 181(f)).

§ 626.2 Format of these regulations.

(a) Regulations promulgated by the Department of Labor to implement the provisions of the Act are set forth in Parts 626 through 638 of Title 20 of the Code of Federal Regulations, with the exception of Job Corps regulations, which are set forth in Part 684 of Title 20.

(b) Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, will be governed by the provisions of 29 CFR Parts 31 and 32 and will be administered by the Office of Civil Rights.

(c) General authority for the regulations is found at Section 169 of the Act. Specific statutory authorities other than section 169 are noted throughout the regulations.

§ 626.3 Table of contents for the regulations under the Job Training Partnership Act.

Part 626—Introduction to the Regulations Under the Job Training Partnership Act

Sec.
626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

Part 627—State Responsibilities Under the Job Training Partnership Act

Subpart A—State Planning Procedures

627.1 Eligible grant recipients.

Sec.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coodinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

Part 628—Service Delivery Areas Designated Under the Job Training Partnership Act

628.1 Service delivery areas.
628.2 Private industry council.
628.3 Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

Part 629—General Provisions Governing Programs Under Titles I, II, and III of the Job Training Partnership Act

Subpart A—Program Design Requirements

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nonsectarian activities.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitation on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout.
629.46 Performance standards.

Subpart D—Grievances, Investigations and Hearings

629.51 Scope and purpose.
629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administrative and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

Part 630—Programs Under Title II of the Job Training Partnership Act

630.1 Adult and youth programs under Part A of Title II
630.2 Summer youth employment and training programs under Part B of Title II

Part 631—Programs Under Title III of the Job Training Partnership Act

Subpart A—General Provisions

631.1 Scope and purpose.

Subpart B—Formula Allocated Programs

631.11 General.
631.12 State plan.
631.13 Limitations on use of funds.

Subpart C—Discretionary Program

631.21 General.
631.22 Eligibility for funding.
631.23 Application for funding and selection criteria.

Subpart D—Program Design and Management

631.31 Allowable activities, coordination and consultation, planning and review.
631.32 Reallotment of funds based on non-utilization.
631.33 Reporting requirements.
631.34 Role of Title III training in determining unemployment benefit eligibility.

Part 632—Native American Programs Under Title IV, Part A of the Job Training Partnership Act [Reserved]

Part 633—Migrant and Seasonal Farmworker Programs Under Title IV, Part A of the Job Training Partnership Act [Reserved]

Part 634—Labor Market Information Programs Under Title IV, Part B of the Job Training Partnership Act [Reserved]

Part 635—Veterans' Employment Programs Under Title IV, Part C of the Job Training Partnership Act [Reserved]

Part 636—[Reserved]

Part 637—[Reserved]

Part 638—[Reserved]

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 626.4 Definitions.

In addition to the definitions contained in Section 4 of the Act, the following definitions apply to these regulations.

"Family" shall be defined by the Governor. An adult handicapped individual shall be considered a family of one when applying for programs under the Act (Sec. 4(8)).

"Family income" shall be defined by the Governor, consistent with the definition of family income for other State administered needs-based programs.

"Recipient" means the Governor.

"SDA grant recipient" means the entity that receives JTPA funds for an SDA directly from the Governor.

"Secretary" means the Secretary of Labor or the Secretary's designated representative(s).

"Subrecipient" means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor. Depending on local circumstances the PIC, local elected official, or administrative entity may be a subrecipient. SDA grant recipients are particular types of subrecipients.

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures.

Sec.
627.1 Eligible grant recipients.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coordinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.)

Subpart A—State Planning Procedures

§ 627.1 Eligible grant recipients.

In order to establish a continuing relationship under the Act, the Governor and the Secretary shall sign a Governor/Secretary Agreement, which shall consist of a statement assuring that the State shall comply with: (a) The Job Training Partnership Act and the applicable rules and regulations and (b) the Wagner-Peyser Act, as amended, and all applicable rules and regulations.

§ 627.2 Governor's coordination and special services plan.

(a) *Submittal.* By a date established by the Secretary, any State seeking financial assistance under the Act shall submit to the Secretary a Governor's coordination and special services plan (sec. 121(a)(2)).

(b) *Plan review.* The Secretary shall check the plan for completeness and compliance with the provisions of the Act. If the plan is disapproved, the Secretary shall notify the Governor in

writing within 30 days of submission of the reasons for disapproval so that the Governor may modify the plan to bring it into compliance with the Act (Sec. 121(d)).

§ 627.3 Funding.

The Secretary will allot funds to the States in accordance with section 162 of the Act. The Secretary will obligate such allotments through a Notification of Obligation.

§ 627.4 State job training coordinating council.

The Governor shall appoint a State job training coordinating council (SJTCC) pursuant to section 122 of the Act. The SJTCC shall have the specific functions and responsibilities outlined in sections 122 and 501 of the Act.

§ 627.5 Interstate agreements.

The Secretary hereby grants authority to the several States to enter into interstate agreements and compacts in accordance with section 127 of the Act.

Subpart B—Statewide Programs

§ 627.21 Distribution of State funds.

(a) The funds made available to the Governor under section 202(b) of the Act shall be used to carry out activities and services in this subpart.

(b) Funds provided to the Governor under section 202(b)(4) of the Act may be used to conduct auditing activities, administrative activities, and other activities described in sections 121 of the Act (Sec. 202(b)(4)).

§ 627.22 State education coordination and grants.

(a) Expenditures for programs pursuant to section 123(c)(2)(B) of the Act shall be subject to § 629.39(a).

(b) Not less than 75 percent of the funds shall be expended for activities for economically disadvantaged individuals. The Governor may provide for meeting this requirement by using an alternative accounting methodology (e.g., 75 percent of participants) which insures comparable results (Sec. 123(c)(3)).

§ 627.23 Training programs for older individuals.

Expenditures for administration and participant support services for programs pursuant to section 124 of the Act shall be subject to § 629.39 of these regulations.

§ 627.24 State incentive grants.

Funds provided under section 202(b)(3)(A) of the Act shall be used by the Governor pursuant to sections 202(b)(3)(B) and 106(h)(1) of the Act.

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

628.1 Service delivery areas.
628.2 Private industry council.
628.3. Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 628.1 Service delivery areas.

(a) The SJTCC shall make recommendations to the Governor on proposed SDA designations in a form and by a date established by the Governor (Sec. 101(a) (1) and (2)).

(b) Pursuant to section 101 of the Act, the Governor shall designate service delivery areas (SDAs) for the State. All areas within the State must be covered by designated SDAs. Requests for designation shall be submitted in a form and by a date established by the Governor.

(c) Pursuant to section 101(a) (4) (C) of the Act, an entity described in section 101(a) (4) (A) may appeal the Governor's denial of service delivery area designation to the Secretary of Labor.

(1) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, D.C. 20210, Attention: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification of the denial from the Governor.

(3) The appealing party shall explain why it believes the denial is contrary to the provisions of section 101 of the Act.

(4) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the denial is inconsistent with section 101 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 30 days after this appeal is received (Sec. 101(a) (4) (C)).

§ 628.2 Private industry council.

(a) The chief elected official(s) of the SDA shall establish and the Governor shall certify the private industry council (PIC) pursuant to section 102 of the Act.

(b) Pursuant to section 103 of the Act, the PIC shall provide policy and program guidance for all activities under the job training plan for the SDA. In accordance with agreements negotiated with the appropriate chief elected official(s), the PIC shall: Determine the procedures for development of the job training plan and select the grant recipient and administrative entity for the SDA. The PIC may exercise independent oversight over activities under the job training plan, and oversight shall not be circumscribed by agreements with the appropriate chief elected official(s) of the SDA.

(c) The employment service shall develop jointly with each appropriate PIC and chief elected official(s) for the SDA those components of the plans required under the Wagner-Peyser Act of 1933, as amended, applicable to the SDA (Sec. 501(d)).

§ 628.3 Selection of SDA grant recipient, administrative entity and service providers.

(a) Pursuant to section 103(b)(1) of the Act, a selection shall be made of the SDA grant recipient and the entity to administer the job training plan developed pursuant to section 104 of the Act. These may be the same or different entities. The specific functions and responsibilities of these entities shall be spelled out in accordance with the agreement(s) between the PIC and the chief elected official(s), which should specifically address the provisions of section 141(i) of the Act.

(b) Service providers shall be selected in accordance with: (1) The agreement negotiated pursuant to section 103(b)(1) of the Act, and (2) the provisions of sections 107, 181(j)(2) and 205(b)(4) of the Act.

§ 628.4 Job training plan.

The Governor may issue instructions and schedules that will assure that job training plans and modifications for SDAs within the State conform to all requirements of the Act.

§ 628.5 Review and approval.

(a)(1) If the Governor disapproves the SDA job training plan or modification, the Governor shall notify the PIC and the appropriate chief elected official(s) for the SDA in writing as provided in section 105(b)(2) of the Act.

(2) The Governor shall provide the PIC and the appropriate chief elected official(s) for the SDA 20 days to correct the deficiencies and resubmit the plan or modification. The Governor shall make a final decision and shall notify the PIC and the appropriate chief elected official(s) for the SDA of the final disapproval or approval within 15 days after the plan or modification was resubmitted.

(b) Pursuant to section 105(b)(2) of the Act, any final disapproval of the job

training plan or modification may be appealed to the Secretary.

(1) Appeals to the Secretary shall be submitted jointly by the PIC and the appropriate chief elected official(s) for the SDA to the Secretary, U.S. Department of Labor, Washington, D.C. 20210. Attention: ASET. A copy of the appeal shall be simultaneously provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of the final disapproval from the Governor.

(3) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the disapproval is clearly erroneous within the context of section 105(b)(1) of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 45 days after the appeal is received in accordance with Section 105(b)(2) of the Act.

§ 628.6 State SDA submission.

(a) Pursuant to section 105(d), when the SDA is the State, the Governor shall, not less than 60 days before the beginning of the first of the two program years covered by the job training plan, submit to the Secretary, in a form determined by the Governor, a summary of the approach taken to meet the requirements of section 104 of the Act as well as an assurance that the plan and the plan review comply with sections 105 and 108 of the Act.

(b) The State's plan shall be considered approved unless, within 30 days of receipt of the submission described in paragraph (a) of this section, the Secretary notifies the Governor in writing of discrepancies between the submission and specific provisions of the Act.

(c) Nothing in this section shall preclude the Secretary from revoking approval in the event the assurance is not met.

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

Sec.

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nonsectarian activities.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitation on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout. [Reserved]
629.46 Performance standards.

Subpart D—Grievances, Investigations and Hearings

629.51 Scope and purpose.
629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administrative and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

Authority: Job Training Partnership Act, Sec. 189, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—Program Design Requirements

§ 629.1 General program requirements.

(a) The conditions prescribed in sections 141 and 143 of the Act apply to all programs under Titles I, II and III of the Act, except as provided elsewhere in these regulations.

(b) Recipients shall ensure that:

(1) An individual enrolled in a JTPA program meets the requirements of sections 167(a)(5) and 504 of the Act and other requirements applicable to programs funded under the specific section or title of the Act under which the participant is enrolling; and

(2) An individual is determined to be eligible both at the time of application and at enrollment.

(c) Programs operated under Titles I, II and III of the Act are not subject to the provisions of 41 CFR Part 29-70, except as otherwise explicitly provided in these regulations.

§ 629.2 Public service employment prohibition.

No funds available under Titles I, II-A or III of the Act may be used for public service employment (Sec. 141(p)).

§ 629.3 Nonsectarian activities.

Pursuant to section 167(a) of the Act the employment or training of participants in sectarian activities is prohibited.

Subpart B—Payments, Benefits and Working Conditions

§ 629.21 Needs-based payments.

(a) Subject to the provisions of sections 108 and 142(a)(1) of the Act and in accordance with a locally developed formula or procedure, payments based on need may be provided to individual participants in cases where such payments are necessary to enable individuals to participate in a training program funded under the Act (Sec. 204(27)).

(b) The locally developed formula or procedure for needs-based payments shall be documented in accordance with instructions from the Governor.

(c) The formula or procedure shall provide for the maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

§ 629.22 Benefits and working conditions.

(a) Where participants are not covered under a State's workers' compensation law, they shall be provided with adequate on-site medical and accident insurance. Income maintenance coverage is not required for these participants (Sec. 143(a)(3)).

(b) Where participants are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (Sec. 143(a)(2)).

Subpart C—Administrative Standards and Procedures

§ 629.31 Grant payments.

(a) JTPA grant payments will be made to the Governor in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205).

(b) The Governor shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and disbursement. Failure to establish such procedures or to take action to correct deficiencies in:

(1) Financial management systems, or (2) fund drawdown and advance payment procedures may result in the Governor being funded through reimbursement by Treasury check payment.

§ 629.32 Program income.

Income generated under any program may be retained by the State and shall be used to further program objectives. Program income may be used to satisfy the matching requirements of sections 123(b) and 304 of the Act. The Governor may establish policies and procedures for the retention and use of program income by SDA grant recipients and subrecipients (Sec. 141(m)).

§ 629.33 Insurance.

(a) *General.* Each Governor, SDA grant recipient or subrecipient shall follow its normal insurance procedures except as otherwise indicated in this section.

(b) The DOL assumes no liability with respect to bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA grant or agreement whether concerning persons or property in the Governor's SDA grant recipient's or other subrecipient's organization or any third party.

(c) Governors, SDA grant recipients and subrecipients shall secure insurance coverage for injuries suffered by participants who are not covered by existing workers' compensation. These costs are chargeable to participant support or training as appropriate (Sec. 143(a)(3)).

§ 629.34 Procurement.

Subject to the provisions of Section 107 of the Act, recipients and subrecipients shall administer procurement systems that reflect applicable State and local law, rules and regulations as determined by the Governor.

§ 629.35 Management systems, reporting and recordkeeping.

(a) The Governor shall ensure that financial systems within the State provide fiscal control and accounting procedures sufficient to: (1) Permit preparation of required reports; (2) permit the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds; and (3) demonstrate compliance with matching requirements. (Secs. 104(b)(9), 164(a)(1), 165(a)(1), 165(c)(2), and 182).

(b) The financial management system and the participant data system shall provide federally-required records and reports that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes (Secs. 165(a)(1), 165(1)(2), and 182).

(c) The Governor shall ensure that records shall be maintained of each participant's enrollment in a JTPA program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities authorized by the Act (Sec. 165(a) (1) and (2)).

(d) The Governor shall ensure that records shall be maintained of such participant information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

(e) The Governor shall insure that procedures are developed for retention of all records pertinent to all grants and agreements, including financial, statistical, property and participant records and supporting documentation, for a period of three years from the date of obligation of funds. Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

(f) The aforementioned records will be retained beyond the three years if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit or claim has been finally resolved.

(g) In the event of the termination of the relationship with a subrecipient, the Governor or SDA grant recipient shall be responsible for the maintenance and retention of the records of any subrecipient unable to retain them.

§ 629.36 Reports required.

The Governor shall report to the Secretary pursuant to instructions issued by the Secretary. Reports shall be submitted quarterly for the first year and annually thereafter. Reports shall be submitted to the Secretary within 45 calendar days after the end of the report period (Sec. 165(a)(2)).

§ 629.37 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the Governor or subrecipient. Costs charged to the program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities and with applicable State and local law, rules or regulations, as determined by the governor.

(b) Direct and indirect costs shall be charged in accordance with 41 CFR 29–70.102.

(c) The governor shall issue guidelines on allowable costs for SDA and statewide programs that shall include provisions that:

(1) Legal costs associated with State and Federal administrative hearings are allowable JTPA costs only to the extent the party prevails;

(2) Costs resulting from violations of, or failure to comply with, Federal, State or local laws and regulations are not allowable;

(3) Entertainment costs are not allowable;

(4) Insurance policies offering protection against debts established by the Federal Government are not allowable JTPA costs; and

(5) Personal liability insurance for PIC members is allowable.

§ 629.38 Classification of costs.

(a) To comply with the limitations on certain costs contained in section 108 of the Act, allowable costs shall be charged against the following cost categories: training; administration; and participant support.

(b) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(c) For State-administered programs, the Governor is required to plan, control and charge expenditures against the aforementioned cost categories.

(d) The Governor is responsible for ensuring that SDA grant recipients and other subrecipients plan, control, and charge expenditures against the aforementioned cost categories.

(e) In assigning costs to the training category pursuant to paragraph (a) of this section, the Governor shall ensure that:

(1) Training costs include: The costs associated with on-the-job training services; employer outreach necessary to obtain job listings or job training opportunities; salaries, fringe benefits, equipment and supplies of personnel directly engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; job related counseling for participants; and tuition and entrance fees that represent instructional costs which have a direct and immediate impact on participants. In addition, 50 percent of the costs of a limited work experience program and

250 hours of youth tryout employment, are considered allowable training costs. A limited work experience program is one that meets the requirements of section 108(b)(3) of the Act. Youth tryout employment is that which meets the requirements of section 205(d)(3)(B) of the Act.

(2) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(i) Is for training;

(ii) Is fixed unit price; and

(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

(3) Training costs shall not include the direct or indirect costs associated with the supervision and management of the program.

(4) Training costs do not include supportive service costs as defined in section 4 of the Act or other participant support costs which are determined to be necessary at the local level.

(5) All costs of employment generating activities to increase job opportunities for eligible individuals in the area and the remaining 50 percent of the costs of a limited work experience program, as well as 100 percent of the costs of other work experience programs, are not allowable training costs (Sec. 108(b)(2)(A)).

(6) The salaries and fringe benefits of project directors, program analysts, labor market analysts, supervisors and other administrative positions shall not be charged to training. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories based on time records or other verifiable means.

(7) Construction costs may be allowable training or participant support costs only when funds are used to:

(i) Purchase equipment, materials and supplies for use by participants while on the job and for use in the training of such participants. Examples of such equipment, materials and supplies are handtools, workclothes and other low cost items, and

(ii) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

(8) Contributions to a reserve for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are not allowable training costs, but may be charged to other cost categories as appropriate.

(9) The cost of incorporating a PIC or consortium administrative entity for the purpose of carrying out programs under the Act shall not be charged to training but may be charged to other cost categories as appropriate.

(10) Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training and the other appropriate cost categories.

§ 629.39 Limitation on certain costs.

(a)(1) Not less than 85 percent of the funds for programs under Titles, I, II, and III of the Act may be expended for the costs of training and participant support, except as provided in paragraph (b) of this section.

(2) Administrative costs are limited to 15 percent of funds available. The 15 percent limitation on administrative costs may not be waived.

(b) Funds allotted under the following sections of the Act are exclusions to the requirement in paragraph (a) of this section:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2)(A);

(3) Section 202(b)(3); and

(4) Section 301(a).

(c)(1) Not less than 70 percent of the funds for programs under Titles I, II–A, and III of the Act may be expended for the costs of training, except as provided in paragraphs (d) and (e) of this section.

(2) There is an established 30 percent limitation on combined administrative and participant support costs. This limitation may be waived by the Governor only in accordance with paragraph (e) of this section.

(d) Funds allotted under the following sections of the Act are exclusions to the requirement in paragraph (c) of this section:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2);

(3) Section 202(b)(3), to provide technical assistance to SDAs within the State that do not qualify for incentive grants;

(4) Section 251; and

(5) Section 301(a).

(e) Expenditures may not be in excess of the limitation contained in paragraph (c) of this section exept as provided for in section 108(c).

(f) The provisions of this section do not apply to any designated service delivery area which served as a concentrated employment program grantee for a rural area under the Comprehensive Employment and Training Act (Sec. 108(d)).

(g) Administrative funds within a service delivery area may, at the discretion of and pursuant to requirements established by the Governor, be pooled and used for all administrative costs of programs within the service delivery area assisted with funds under the Act.

§ 629.40 Matching funds.

The governor shall define and assure the provision of adequate resources to meet the non-Federal matching requirements of sections 123(b) and 304 of the Act.

§ 629.41 Property management.

(a) Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act must be used for purposes authorized by the Act. Subject to the Secretary's rights to such property, the Governor shall maintain accountability for property in accordance with State procedures and the records retention requirements of § 629.35.

(b) The JTPA program must be reimbursed the fair market value of any unneeded property retained by the Governor for use in a non-JTPA program. The proceeds from the sale of any property or transfer of property to a non-JTPA program must be used for purposes authorized under the Act.

§ 624.42 Audits.

(a) All audits conducted under this Act shall comply with applicable auditing standards set forth in section 164(a)(3) of the Act.

(b) At least once every two years, the State shall prepare or have prepared independent financial and compliance audits of the Title II and III funds received by the State and shall be responsible for assuring that audit requirements are met with respect to PICs, SDA grant recipients and other subrecipients receiving Title II and III funds throughout the State (Sec. 164(a)(2)).

(c) The Governor may request audit waivers from the Secretary for subrecipients except as otherwise provided in section 164(a)(2) of the Act. This waiver request may be approved by: (1) The Secretary or (2) the cognizant Federal audit agency, where the

Secretary delegates this authority to such agency (Sec. 164(a)(2)).

(d) The audit report(s), in addition to meeting the general requirements of this section, shall be accompanied by the following:

(1) The Governor's disposition of questioned costs in the audit(s), costs allowed and disallowed by the Governor, and the basis for costs allowed and disallowed. The dispostion must show the action (i.e., either allowed or disallowed) on all costs questioned in the audit(s).

(2) If the Governor intends to request waivers of liability under section 164(e)(2) of the Act, such requests must accompany the audit report(s), along with supporting documentation. Such documentation may include:

(i) Correspondence from the Secretary giving prior approval to corrective actions planned by the Governor, e.g., debt collection options which the Governor planned to initiate or to forego; and

(ii) Documentation of corrective actions taken by the State and the appropriate subrecipient, e.g., evidence of aggressive debt collection action.

(e) The Governor shall submit the audit report(s), covering all Title II and III funds received by the State, SDA grant recipients and subrecipients and audited during the period covered by the report, as well as the items described in paragraph (d) of this section, to the cognizant Federal audit agency or the Inspector General of the Department, as appropriate, within a two-year period as specified to section 164(a)(2) of the Act. The Inspector General shall determine the acceptability of audit reports pursuant to §§ 629.42(a) through 629.42(d) above, and shall forward each acceptable audit report to the Secretary for action pursuant to § 629.42(f) below.

(f) After receiving the audit report(s), the Secretary shall review the report(s), the Governor's disposition and any liability waiver request. If the Secretary is in agreement with all aspects of the Governor's disposition of the audit(s), the Secretary shall so notify the Governor, constituting final agency action on the audit(s). If the Secretary is in disagreement with the Governor's conclusion on specific points in the audit(s), the Secretary shall resolve the audit(s) through the initial and final determination process described in Subpart D of these regulations.

(g) The Comptroller General and the Inspector General of the Department shall have the authority to conduct audits, evaluations, or investigations necessary to meet their responsibilities under sections 164(c) (1) and 164(c) (2), respectively, of the Act.

(1) Audits conducted or arranged by the Inspector General will generally supplement rather than duplicate audits of recipients, PICs, SDAs, or other subrecipients.

(2) The findings of these investigations, audits and evaluations shall be handled as described in §§ 629.54(b) and 629.54(c) of Subpart D of these regulations.

§ 629.43 Oversight and monitoring.

(a) The Secretary is authorized to monitor and investigate pursuant to section 163 of the Act.

(b) The Governor is responsible for oversight of all SDA grant recipient activities and State supported programs.

(c) The PIC and local elected official(s) may conduct such oversight as they, individually or jointly, deem necessary or delegate to an appropriate entity pursuant to their mutual agreement.

§ 629.44 Sanctions for violations of the Act.

(a) Pursuant to section 164 (b), (d), (e), (f), (g), and (h) of the Act, the Secretary may impose appropriate sanctions and corrective actions for violations of the Act, regulations, or grant terms and conditions. Additionally, sanctions may include the following:

(1) Offsetting debts, arising from misexpenditure of grant funds, against amounts to which the Governor is or may be entitled under the Act, except as provided in section 164(e) (1) of the Act. The debt shall be fully satisfied when the Secretary reduces amounts allotted to the Governor by the amount of the misexpenditure; and

(2) Determining the amount of Federal cash maintained by the Governor or subrecipient in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt.

(b) Except for actions under section 164(f) and 167 of the Act, to impose a sanction or corrective action, the Secretary shall utilize initial and final determination procedures outlined in Subpart D.

(c) To impose a sanction or corrective action regarding a violation of section 167 of the Act, the Secretary shall utilize the procedures of 29 CFR Part 31.

(d)(1) The Secretary shall hold the Governor responsible for all funds under the grant. The Governor shall hold subrecipients, including SDA grant recipients, responsible for JTPA funds received through the grant.

(2) The Secretary shall determine the liability of the Governor for misexpenditures of grant funds in accordance with section 164(e) of the Act, including the requirement that the Governor shall have taken prompt and appropriate corrective actions for misexpenditures by a subrecipient.

(3) Prompt, appropriate, and aggressive debt collection action to recover any funds misspent by subrecipients ordinarily shall be considered a part of the corrective action required by section 164(e)(2)(D) of the Act. In this regard, the Governor may request advance approval from the Secretary for contemplated corrective actions. Such requests may address debt collection actions or options which the Governor plans to initiate or to forego. The Governor's request shall include a description and assessment of all actions taken by the subrecipient to collect the misspent funds.

(4) In making the determination required by section 164(e)(2) of the Act, the Secretary may determine, based on a request from the Governor, that the Governor may forego certain collection actions against a subrecipient where that subrecipient was not at fault with respect to the liability criteria set forth in section 164(e)(2)(A) through section 164(e)(2)(D) of the Act. The Secretary shall consider such requests in assessing whether the Governor's corrective action was appropriate in light of section 164(e)(2)(D) of the Act. At that time, the Secretary shall also consider advance approvals (previously granted pursuant to § 629.44(d)(3) above) in light of the Governor's demonstrated efforts to undertake the approved course of action.

(5) The Governor shall not be released from liability for misspent funds under the determination required by section 164(e) of the Act until the Secretary determines that further collection action, either by the Governor or subrecipient, would be inappropriate or would prove futile.

(e) The Governor shall have the authority to reduce allocations to a service delivery area if: (1) The Secretary offsets a debt against funds allotted to the Governor and (2) the debt resulted from a misexpenditure by the SDA grant recipient, or its subrecipients.

(f) Nothing in this section shall preclude the Secretay from imposing a sanction directly against a subrecipient as authorized in section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.45 Closeout. [Reserved]

§ 629.46 Performance standards.

(a) The Secretary shall prescribe performance standards for adults and

youth under Title II–A and dislocated workers under Title III in accordance with section 106 of the Act. Standards for youth employment competencies shall prescribe the framework for competency development.

(b) The Governor shall establish SDA standards within the parameters set annually by the Secretary pursuant to Section 106 of the Act and apply the standards in accordance with section 202(b)(3) of the Act.

(c) Pursuant to initial and annual instructions issued by the Secretary, the Governor shall:

(1) Collect the data necessary to set standards pursuant to section 165 of the Act; and

(2) Submit reports according to sections 106 and 121(c)(3) of the Act.

(d) Pursuant to section 106(h)(1) of the Act, the Governor shall, after exhaustion of remedies below, impose a reorganization plan if a subrecipient fails to meet performance standards for two consecutive years.

(1) Prior to in position of a reorganization plan, the Governor must offer the subrecipient opportunity for a hearing.

(2) Should the hearing determination uphold the Governor's imposition of a reorganization plan, the subrecipient may appeal to the Secretary.

(3) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, D.C. 20210, Attention: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(4) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification from the Governor.

(5) The appealing party shall explain why it believes the Governor's decision is contrary to the provisions of section 106 of the Act.

(6) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the Governor's decision is inconsistent with section 106 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 60 days after this appeal is received (Sec. 106(h)).

Subpart D—Grievances, Investigations, and Hearings

§ 629.51 Scope and purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes under the Act.

(b) *Non-JTPA remedies.* Whenever any person, organization or agency believes that a Governor, SDA grant recipient or other subrecipient has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than JTPA, or a State or local law, that person, organization or agency may, with respect to the non-JTPA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the Governor, SDA grant recipient or other subrecipient without first exhausting the remedies in this subpart. Nothing in the Act or these regulations shall:

(1) Allow any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under JTPA except after exhausting the remedies in this subpart;

(2) Allow any person or organization to file a suit which alleges a violation of JTPA or these regulations without first exhausting the administrative remedies described in this subpart; or

(3) Be construed to create a private right of action with respect to alleged violations of JTPA or the regulations.

§ 629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.

(a) *Policy.* This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in § 629.55.

(b) *Procedures at Governor and SDA levels.* (1) Pursuant to section 144(a) of the Act, each Governor shall insure the establishment of procedures for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act. The procedures must include the handling of complaints and grievances arising in connection with JTPA programs operated by each SDA grant recipient and subrecipient under the Act. These procedures must also provide for resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions, taken by the Governor with respect to audit findings, investigations, or monitoring reports (Sec. 144(a)).

(2) The Governor may delegate the authority to operate and maintain the complaint and hearing procedure to its SDA grant recipients and other subrecipients except for complaints between the Governor and SDA grant recipients or other subrecipients (e.g., audit disallowances), complaints involving more than on SDA grant recipient, or complaints directly involving the operations or responsibilities of the Governor (Sec. 144(a)).

(3) The grievance hearing procedure shall include written notice of the date, time and place of the hearing and an opportunity to present evidence.

(c) *State review.* (1) If the Governor has delegated the authority to operate and maintain a grievance procedure, and a complainant does not receive a decision within 60 days of filing the complaint or receives a decision unsatisfactory to the complainant, the complainant then has a right to request a review of the complaint by the Governor. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision. The Governor shall issue a decision within 30 days. The Governor's decision is final.

(2) The Governor shall also provide for an independent State review of a complaint initially filed at the State level on which a decision was not issued within 60 days or on which the complainant has received an adverse decision. A decision shall be made within 30 days. The Governor's decision is final.

(d) *Federal review of local level complaints without decision.* (1) Should the Governor fail to provide a decision as required in paragraph (c) of this section, the complainant may then request from the Secretary a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

(2) The Secretary shall act within 90 days of receipt of the request and where there is reasonable cause to believe the Act or regulations have been violated shall direct the Governor to issue a decision adjudicating the dispute pursuant to State and local procedures. The Secretary's action does not constitute Federal agency action and is not appealable under the Act (Sec. 166(a) and Sec. 144(c)). If the Governor does not comply with the Secretary's order within 60 days, the Secretary may impose a sanction upon the Governor for failing to issue a decision.

(3) The request shall be filed no later than 10 days from the date on which the complainant should have received a decision as required in paragraph (c). The complaint should contain the following:

(i) The full name, telephone number (if any), and address of the person making the complaint;

(ii) The full name and address of the respondent against whom the complaint is made;

(iii) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;

(iv) The provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated;

(v) A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority, and, if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case; and

(vi) A statement of the date the complaint was filed with the Governor, the date on which the Governor should have issued a decision, and an attestation that no decision was issued.

(4) A request will be considered to have been filed when the Secretary receives from the complainant a written statement sufficiently precise to evaluate the complaint and the grievance procedure used by the State and SDA grant recipient.

§ 629.53 Non-criminal grievance procedure at employer level.

(a) Governor's, SDA grant recipients and other subrecipients shall assure that other employers, including private-for-profit employers of participants under the Act, also have a grievance procedure relating to the terms and conditions of employment available to their participants (Sec. 144(b)).

(b) Employers under paragraph (a) of this section may operate their own grievance system or may utilize the grievance system established by the Governor or SDA grant recipient under § 629.52. Employers shall inform participants of the grievance procedure they are to follow.

(c) An employer system shall provide for, upon request by the complainant, a review of an employer's decision by the SDA grant recipient and the Governor, if necessary, in accordance with § 629.52(b).

§ 629.54 Federal handling of administrative and civil complaints.

(a)(1) The Comptroller General and Inspector General's authority to conduct audits, evaluations and investigations is as specified in § 629.42.

(2) The Secretary is authorized to monitor States (Sec. 163(a)).

(3) The Secretary shall each fiscal year investigate several States to evaluate whether the use of funds received under the Act is in compliance with the provisions of the Act (Sec. 165(b)(1)(A)).

(4) The Secretary may receive complaints alleging violations of the Act or regulations through the Department's incident reporting system.

(b) As a result of the findings or content of any of the activities listed in paragraph (a), the Secretary may:

(1) Direct the Governor to handle a complaint through local grievance procedures established under § 629.52; or

(2) Investigate and determine whether the Governor or subrecipients are in compliance with the Act and regulations (Sec. 183 (b) and (c)).

(c)(1) The Secretary shall notify the Governor of the findings of the Secretary's investigation and shall give the Govenor a period of time, not to exceed 60 days, depending on the nature of the findings, to comment and to take appropriate corrective actions.

(2) The Governor shall offer an opportunity for a hearing at the State level to those subrecipients adversely affected by the results of an investigation, audit or monitoring activity as specified in § 629.52(b). The Governor shall inform the Secretary of actions undertaken, including any disposition of an audit conducted by the State to deal with the Secretary's findings if one was undertaken within the time frame specified by the Secretary.

(3) The Secretary shall review the complete file of the investigation and the Governor's actions. The Secretary's review shall take into account the provisions of § 629.44. If the Secretary is in agreement with the Governor's handling of the situation, the Secretary shall so notify the Governor. This notification shall constitute final agency action.

(d) *Initial and final determination.*—(1) *Initial determination.* If the Secretary is dissatisfied with the Governor's disposition of an audit as specified in § 629.42, with the Governor's response to findings pursuant to paragraph (c) above, or if the Governor failed to comply with the Secretary's decision pursuant to § 629.52(d)(2), the Secretary shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grants, contracts or other agreements, under the Act.

(2) *Informal resolution.* The Secretary shall not revoke a Govenor's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the Governor with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. In the case of an initial determination pursuant to an audit, the informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (d)(3) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(3) *Final determination.* (i) If the Governor and the Secretary do not resolve any matter informally, the Secretary shall provide each party with a final written determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report.

(ii) The final determination shall:

(A) Indicate that efforts to informally resolve matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with § 629.57.

(iii) The final determination constitutes the final agency action unless a hearing is requested.

(e) Nothing in this section shall preclude the Secretary from issuing an initial and final determination directly to a subrecipient in accordance with the authority of section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity

Any persons with knowledge of and all complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

§ 629.56 Opportunity for informal review.

(a) Parties to a complaint under § 629.57 may choose to waive their rights to an administrative hearing before the Office of Administrative Law Judges (OALJ) by choosing to transfer the settlement of their dispute to an individual acceptable to the parties for

the purpose of conducting an informal review of the stipulated facts and rendering a decision in accordance with applicable law. A written decision will be issued within 60 days after the matter is submitted for informal review.

(b) The waiver of the right to request a hearing before the OALJ will automatically be revoked if a settlement has not been reached within the 60 days provided in (a) of this section.

(c) The decision rendered under this informal review process shall be treated as a final decision of an Administrative Law Judge pursuant to section 166(b) of the Act.

§ 629.57 Hearings before the Office of Administrative Law Judges.

(a) *Jurisdiction.* The jurisdiction of the OALJ extends only to those complainants identified in sections 164(f) and 166(a) of the Act.

(b) *Sanctions.* For the purpose of this section, "sanctions" will not include actions required by authority other than this Act. For example, the imposition of interest charges where required by the Debt Collection Act of 1982 is not a sanction for the purpose of this section.

(c) *Procedures for filing request for hearing.* (1) Within 21 days of receipt of the determination imposing the sanction or corrective action, or denying financial assistance, the applicant, Governor, SDA grant recipient or other subrecipient of funds may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, with one copy to the departmental official who issued the determination and one copy to the Special Counsel to the Assistant Secretary of Labor.

(2) The 21-day filing requirement is jurisdictional; failure to timely request a hearing acts as a waiver of the right to hearing.

(3) The request shall specifically state those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested within the 21-days, shall be considered resolved and not subject to further review. Only alleged violations of the Act, regulations, grant or other agreements under the Act fairly raised in the determination and the request for hearing are subject to review.

(4) The same procedure set forth in paragraphs (a) (1) through (3) of this section applies in the case of a complainant who has not had a dispute adjudicated by the informal review process of § 629.56 within the 60 days, except that the request for hearing before the OALJ must be filed within 15 days of the conclusion of the 60-day period. In addition to including the determination upon which review is requested, the complainant must include a copy of any Stipulation of Facts and a brief summary of proceedings.

(d) *Service and filing.* Copies of all papers required to be served on a party or filed with the OALJ shall be filed simultaneously with the OALJ and served upon the parties of record or their representatives, and shall contain proof of such service.

(e) *Rules of procedure.* The rules of practice and procedure promulgated by the OALJ shall govern the conduct of hearings under this section.

(f) *Prehearing procedures.* In all cases, the OALJ should encourage the use of prehearing procedures to simplify and clarify facts and issues.

(g) *Subpoenas.* Subpoenas necessary to secure the attendance of witnesses and the production of documents or things at hearings shall be obtained from the OALJ and shall be issued pursuant to the authority contained in section 163(b) of the Act, incorporating 15 U.S.C. section 49.

(h) *Timely submission of evidence.* The OALJ shall not permit the introduction at the hearing of documentation relating to the allowability of costs if such documentation has not been made available for review either at the time ordered for any prehearing conference, or, in the absence of such an order, at least three weeks prior to the hearing date.

(i) *Burden of production.* The Department shall have the burden of production to support the Secretary's decision. Thereafter, the party or parties seeking to overturn the Secretary's decision shall have the burden of presuasion.

(j) *Relief.* In ordering relief, the OALJ shall have the full authority of the Secretary under section 164 of the Act, except with respect to the provisions of subsection (e) of that section.

(k) *Timing of decisions.* The OALJ should render a written decision not later than 90 days after the closing of the record.

§ 629.58 Other authority.

Nothing contained in this subpart shall be deemed to prejudice the separate exercise of other authorities in pursuit of remedies and sanctions available outside the Act.

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

Sec.

630.1 Adult and youth programs under Part A of Title II.

630.2 Summer youth employment and training programs under Part B of Title II.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 630.1 Adult and youth programs under Part A of Title II.

(a) Funding for programs under this section shall be provided in accordance with sections 162, 201 and 202 of the Act. Funds may be used to provide services specified in section 204 of the Act to persons meeting eligibility criteria specified in sections 141(e) and 203 of the Act.

(b)(1) Pursuant to section 203(b) of the Act, not less than 40 percent of funds shall be expended for services to eligible youth. The Governor may specify a different methodology that will yield comparable results.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the SDA differs from the ratio of such individuals nationally as published by the Secretary, the percentage specified in paragraph (b)(1) of this section shall be reduced or increased by a local adjustment factor. This factor, which may be obtained by dividing the SDA ratio of economically disadvantaged youth to economically disadvataged adults by the national ratio as published by the Secretary, may be multiplied by 40 percent to derive the youth service level for the SDA. The Governor may provide for an alternative methodology to develop the local adjustment factor depending on the availability of data (Sec. 203(b)(2)).

(c) Funds may be used to conduct exemplary youth programs under section 205 of the Act, as follows:

(1) Except for tryout employment authorized under section 205(d)(3)(B) of the Act, exemplary youth programs may be modified to accommodate local conditions as specified in the job training plan (Sec. 205(a)); and

(2) Tryout employment in private for-profit worksites may be conducted only in accordance with section 205(d) of the Act (Sec. 141(k)).

§ 630.2 Summer youth employment and training programs under Part B of Title II.

(a) Funding for programs under this section shall be provided in accordance with sections 162 and 251 of the Act to provide services specified in section 252

of the Act to economically disadvantaged youth meeting eligibility criteria set forth in sections 141(e) and 253 of the Act.

(b) Not more than 15 percent of the funds available for programs under this section may be used for the costs of administration.

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

Sec.
631.1 Scope and purpose.

Subpart B—Formula Allocated Programs

631.11 General.
631.12 State plan.
631.13 Limitations on use of funds.
631.14 Matching funds.

Subpart C—Discretionary Program

631.21 General.
631.22 Eligibility for funding.
631.23 Application for funding and selection criteria.

Subpart D—Program Design and Management

631.31 Allowable activities, coordination and consultation, planning and review.
631.32 Reallotment of funds based on non-utilization.
631.33 Reporting requirements.
631.34 Role of Title III training in determining unemployment benefit eligibility.

Authority: Job Training Partnership Act, Sec. 160, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—General Provisions

§ 631.1 Scope and purpose.

This part contains the regulations governing programs designed to serve dislocated workers as authorized under Title III of the Act. Programs are operated pursuant to two allotments: (a) At least 75 percent of the funds appropriated for Title III shall be allotted by formula to the Governors; and (b) up to 25 percent of the funds appropriated for Title III may be reserved for distribution to Governors at the Secretary's discretion. Planning, application and other requirements applicable to formula funded programs are set forth in Subpart B of this part. Requirements applicable to discretionary programs are set forth in Subpart C of this part. Program design and management requirements applicable to all programs operated under Title III of the Act are set forth in Subpart D of this part.

Subpart B—Formula Allocated Program

§ 631.11 General.

(a) The Secretary shall allot at least 75 percent of the funds appropriated for Title III among the States pursuant to the formula in section 301(b) of the Act.

(b) The allotment for the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa and the Trust Territory of the Pacific Islands shall be based on the following computation: allotments for these areas, pursuant to section 201(a) of the Act, as a proportion of total allotments pursuant to section 201 of the Act, applied to total funds available for allotment, pursuant to section 301(b) of the Act.

§ 631.12 State plan.

(a) To receive financial assistance for formula allocated programs under Title III of the Act, the Governor shall include in the Governor's coordination and special services plan, submitted pursuant to section 121 of the Act, a statement of intent to operate programs in compliance with matching provisions of section 304 of the Act.

(b) If the Governor has stated, pursuant to paragraph (a) of this section, an intent to operate formula allocated programs under Title III and subsequently determines not to operate such programs during the period covered by the Governor's coordination and special services plan, the Governor shall notify the Secretary of such a determination in writing on a timely basis.

§ 631.13 Limitations on use of funds.

(a) Subject to paragraph (b) of this section, no more that 15 percent of the funds allotted pursuant to section 301(b) of the Act may be used for administrative costs. In addition, the total of administrative costs and participant support costs may not exceed 30 percent (Sec. 307(a)).

(b) These limitations apply to that amount of Federal funds which is equivalent to no more than 50 percent of the total combined amount of Federal and non-Federal funds allotted to the formula funded State programs (Sec. 307(b)).

§ 631.14 Matching funds.

To qualify for financial assistance under Title III of the Act, the Governor shall provide matching funds pursuant to section 304 of the Act as defined at § 629.40 of this Chapter.

Subpart C—Discretionary Program

§ 631.21 General.

Of the funds appropriated for Title III, up to 25 percent may be awarded to Governors submitting applications for such funds based upon selection criteria determined by the Secretary pursuant to the provisions of this subpart.

§ 631.22 Eligibility for funding.

The Secretary shall make available to Governors funds reserved under section 301(a) of the Act to serve individuals who are effected by mass layoffs, natural disasters, Federal Goverment actions (such as relocations of Federal facilities), high unemployment areas or designated enterprise zones. These circumstances must be sufficiently severe so that:

(a) The needs cannot be met by other JTPA programs or other State and local programs; and

(b) A substantial number of individuals concentrated in a labor market area or industry is affected.

§ 631.23 Application for funding and selection criteria.

In order to qualify for consideration for funding under this subpart, Governors shall submit applications to the Secretary pursuant to instructions issued by the Secretary on an annual basis specifying application procedures, selection criteria, and approval process.

Subpart D—Program Design and Management

§ 631.31 Allowable activities, coordination and consultation, planning and review.

(a) Allowable activities are specified in section 303 of the Act. They shall be coordinated with other programs in accordance with section 308 of the Act. Affected labor organizations shall be consulted pursuant to section 306 of the Act.

(b) Governors shall involve appropriate PICs and local elected officials in planning and providing opportunities for review in accordance with sections 302 and 305 of the Act.

§631.32 Reallotment of funds based on non-utilization.

(a) The Secretary may reallot any amount of any allotment under this part to the extent that it is determined that the Governor will not be able to obligate such amount within one year of allotment (Sec. 301(d)).

(b) When the Secretary determines that a reallotment from a Governor is appropriate, the Governor and the general public shall be given a notice of the proposed action to remove funds.

Such notice shall include specific reasons for the actions being taken and shall invite the Governor and the general public to submit comments on the proposed reallotment of funds. These comments shall be submitted to the Secretary within 30 days from the date of the notice. After considering any comments received, the Secretary shall notify the Governor of any decision to reallot funds.

(c) The procedures set out in this section are in lieu of any other procedures which might otherwise be applicable under the Grievances, Investigations and Hearings provisions in Part 629, Subpart D of this Chapter.

(d) The Secretary may reallot funds using:

(1) The formula allocation described at Subpart B of this part; or

(2) Procedures established in Subpart C of this part.

§ 631.33 Reporting requirements.

The reporting requirements in § 629.38 of this chapter apply to programs operated under this part, except that the Secretary may establish special requirements for discretionary programs operated under Subpart C of this part as part of the annual announcement of fund availability and selection criteria.

§ 631.34 Role of Title III training in determining unemployment benefit eligibility.

Whenever training opportunities pursuant to Section 302(c) of the Act are identified, information concerning the opportunities shall be made available to the individuals. Pursuant to section 302(d) of the Act, the acceptance of training assisted under Title III shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

PART 632—NATIVE AMERICAN PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 634—LABOR MARKET INFORMATION PROGRAMS UNDER TITLE IV, PART E OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 636—[RESERVED]

PART 637—[RESERVED]

PART 638—[RESERVED]

Signed at Washington, D.C., this 14th day of January 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-1488 Filed 1-17-83; 8:45 am]

BILLING CODE 4510-30-M

ANTICIPATED TIMETABLE TO IMPLEMENT JTPA

1982	
October	JTPA legislation is enacted.
December	Secretary of Labor publishes proposed regulations on establishing state job training coordinating councils and designating local service delivery areas.
	Secretary of Labor publishes proposed regs on establishing new PIC's.
1983	
January	Secretary of Labor publishes final regs on establishing state councils and designating SDA's (these become effective 30 days after publication)
	Secretary of Labor publishes final regs establishing new PIC's (effective 30 days later)
	Secretary of Labor publishes proposed regs for Title II, the core training program for disadvantaged adults and youth (including summer youth).
February-March	Governors appoint SJTCC and designate SDA's.
	Nomination, appointment, and Governor's certification of new PIC's.
	Secretary of Labor publishes final Title II regs (effective 30 days later).
April 1	Secretary of Labor establishes initial performance standards for the period October 1, 1983 to June 30, 1984 (the nine-month initial plan period).
April-Early June	*New PIC's convene; select chairs; determine procedures and by-laws; receive PIC transition planning grants of up to $80,000 from Secretary of Labor, hire staff; review local program operations and formulate general policy positions (prior to planning discussions with local government); and develop an agreement with the local elected official on how the plan will be developed.
	*States publish planning guidance for local SDA's, including program coordination criteria, local planning allocations, etc. (Final federal allocations expected May 15).
June-August	*Local plan is developed and circulated for public review. (The plan will contain PIC/local government agreements on who locally shall be grant recipient, and who shall administer).

	*States finalize any guidance or regs needed for local planning.
	*Secretary of Labor publishes all other regs (e.g., dislocated workers, fiscal oversight and monitoring, etc.).
August 31	Local job training plans must be jointly submitted by PIC's/local elected officials to Governors.
September	States review, approve local job training plans.
	*States submit state job training plan to Secretary of Labor.
	All CETA activity ends by September 30.
	Transfer of all CETA equipment must be accomplished.
October 1	All regs, plan (state and local) for new job training system go into effect.
	Congress appropriates job training funds for fiscal year 1984 which applies to the program year beginning July 1, 1984.
November-December	*Secretary of Labor issues funding allocations to states; states issue preliminary funding allocations to service delivery areas.
	*PIC's and local elected officials develop agreement on how two-year job training plan will be developed.
1984	
Winter '83-'84	*Local job training plan is developed; plan will contain two-year PIC/local government agreements on who locally shall be grant recipient, and who shall administer.
March 1	Local job training plan is circulated for public review.
April 10	Local two-year job training plans must be jointly submitted by PIC/local elected officials to Governors.
April-June	States review, approve local job training plans.
July 1	Program year 1984 begins under two-year training plan.
	Sanctions related to program performance standards go into effect.
*	Used to identify when certain activities are likely to occur. These estimated dates are not in the legislation.

DEPARTMENT OF LABOR
OFFICIALS RESPONSIBLE
FOR
JTPA IN TRANSITION

Albert Angrisani — 202/523-6050
Assistant Secretary
for Employment & Training
Department of Labor
Francis Perkins Building
Room S2307
200 Constitution Avenue
Washington, D.C. 20210

Joyce Kiser — 202/376-6503
Associate Assistant Secretary
for Employment & Training
Department of Labor
Francis Perkins Building
200 Constitution Avenue
Washington, D.C. 20210

Patrick J. O'Keefe — 202/376-8444
Director
Transition Task Force
U. S. Department of Labor
601 D Street, NW
Washington, D.C. 20213

Robert Jones — 202/376-6604
Administrative Office
of Employment & Training
U. S. Department of Labor
601 D Street, NW
Washington, D.C. 20213

"No domestic challenge is more crucial than providing stable, permanent jobs for all Americans who want to work...

"Education, training and retraining are fundamental to our success. Labor, management, and government at all levels can and must participate in improving these tools of growth."

President Ronald Reagan
State of the Union Address
January 25, 1983

JTPA

JOB TRAINING PARTNERSHIP ACT
(P.L. 97-300)

SUGGESTED ACTIVITIES
FOR
STATE ADVISORY COUNCILS
ON VOCATIONAL EDUCATION

PRESENTED BY:

THE NATIONAL ADVISORY COUNCIL
ON VOCATIONAL EDUCATION

DATE: MARCH 14, 1983

THE NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION
425 THIRTEENTH STREET, N.W. - SUITE 412
WASHINGTON, D.C. 20004

MEMBERS

Edward Miller, Chairman (Maryland)
Caroline Hughes, Vice Chairman (Oklahoma)

Adolphus Andrews, III (California)
Betty Breaux (Louisiana)
Vernon Broussard (California)
James Buford (Missouri)
Nolan Bushnell (California)
Pedro Diaz, Jr. (Texas)
Joanne Dwyer (Pennsylvania)
Gladys Eddy (Colorado)
George Fellendorf (Maryland)
Reuben Guenthner (North Dakota)
Jean Hanson (Minnesota)
Joan Kenney (Nevada)
Edward LaMontagne (Connecticut)
Esther Levens (Kansas)
William J. McGinnis (New Jersey)
Byrl Shoemaker (Ohio)
Kenneth Smith (District of Columbia)
Calvin Stephens (Texas)

James W. Griffith, Executive Director

A PRESIDENTIAL COUNCIL ESTABLISHED BY CONGRESS

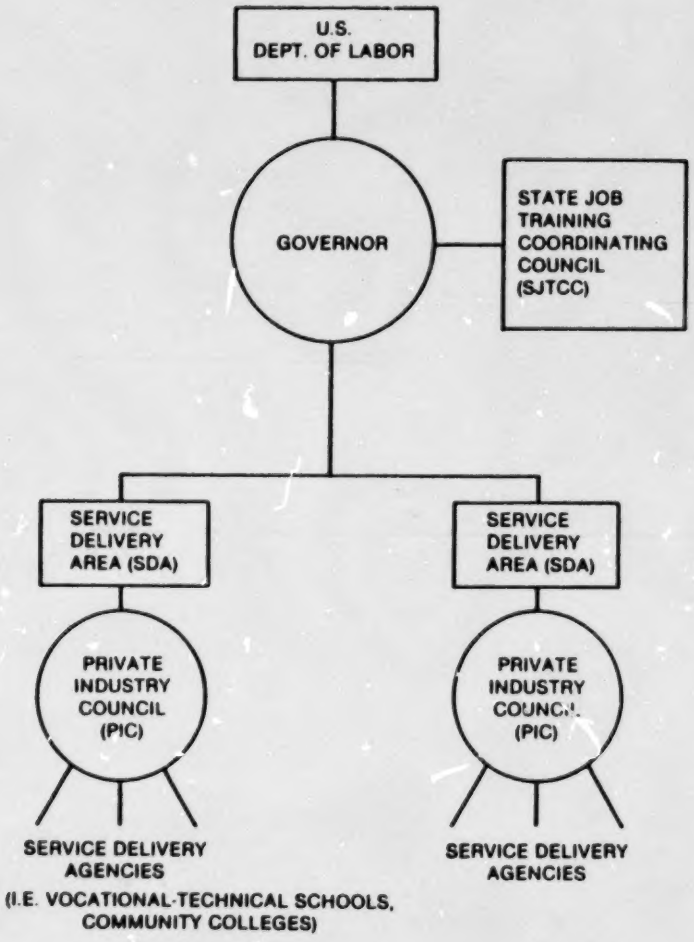
THE JOB TRAINING PARTNERSHIP ACT (JTPA)

The following report provides suggestions on coordinated activities by the State Advisory Councils on Vocational Education, working with other interest groups in the vocational education community, to assist:

(1) the development of overall JTPA policy at state and local levels;

(2) the planning for programs to be implemented at state and local levels.

ORGANIZATIONAL STRUCTURE OF THE JTPA



The need for action:

This report has one central function: to alert the State Advisory Councils on Vocational Education of the need for voc-ed representatives to begin having input into the planning and implementation of the Job Training Partnership Act (JTPA). On October 1, 1983, the JTPA will officially replace the final remnants of the Comprehensive Employment and Training Act (CETA).

The transition period from CETA to JTPA has already begun. States are at a wide range of stages in forming the organizational structures mandated under the JTPA (pictured left).

The training programs authorized under the JTPA will be some of America's most ambitious efforts to provide meaningful and lasting relief to serious unemployment problems for the disadvantaged.

Vocational education's resources will be instrumental in assuring the success of the JTPA programs at state and local levels. In-place training and counseling delivery systems offered by vocational education, as well as expertise in administration, curriculum development and instructor development will be of vital importance to JTPA planning and program implementation.

Management of JTPA programs, however, is designed to be developed only at the initiative of interested private and public sector groups at state and local levels. Voc-ed's involvement in the planning and implementation of the JTPA will largely be determined by the initiatives taken by the voc-ed community itself.

The State Advisory Councils are and will be important catalysts in the creative development of these initiatives by vocational education. This is especially true during the immediate transition period.

What Vocational Education can do for the JTPA:

The State Advisory Councils on Vocational Education, working closely with the Local Advisory Councils and other agencies concerned with vocational education, can begin to take action to assist in the activities of the transition period. Partnerships which develop around the JTPA now will be central to the long-term developments of the JTPA at state and local levels.

Below are some general areas in which voc-ed can assist the planning and implementation of the JTPA:

* Providing in-place effective training with efficient and non-duplicative use of tax dollars;
* Providing services and expertise in training program support, such as counseling, administration, curricula and curricula development, instructor development, and enrollment procedures;
* Providing high quality instructional facilities and equipment;
* Developing lines of communication with private sector employers, and with eligible program participants;
* Providing information on local labor market statistics and training needs;
* Assisting the formation of Service Delivery Areas for communities of less than 200,000 population, through assisting the development of consortia with other communities.
* Assisting the development of state and local cooperative education agreements, and the development of coordinated state training plans.

What the JTPA can do for Vocational Education:

The Jobs Training Partnership Act offers vocational education one of its greatest opportunities to become a true partner in the development of much needed employment training in each state, and in each community.

The landmark JTPA program places job training administration and program selection responsibility with private and public sector partnerships formed voluntarily at state and local levels. The act repeatedly encourages the involvement of the voc-ed community in these important partnerships.

THE STATE JOB TRAINING COORDINATING COUNCIL (SJTCC)

SJTCC REPRESENTATION:

	33% BUSINESS AND INDUSTRY
AT LEAST	20% STATE AGENCIES & ORGANIZATIONS
AT LEAST	20% LOCAL GOVERNMENT UNITS
AT LEAST 20%	GENERAL PUBLIC, LABOR, LOCAL EDUCATIONAL AGENCIES, ELIGIBLE PARTICIPANTS, COMMUNITY BASED GROUPS

PRINCIPLE RESPONSIBILITIES:

- ★ Recommends a JTPA coordination and special services plan to the Governor
- ★ Recommends a state plan for Service Delivery Area designation (SDA)
- ★ Certifies consistency of Governor's JTPA plans with other state plans
- ★ Recommends changes in state JTPA plans to improve service delivery programs
- ★ Reviews the vocational education needs of the state and the extent to which JTPA coordinates with other programs to fulfill these needs

Importance of input at the state level:

The creation of policy governing or guiding the use of JTPA funds will be done, in most states, through the Governor's office.

Congress intended for vocational education to play a key role in working with the Governor in the development of JTPA planning and operational policy, and assisting the Governor in developing coordinated state training plans. This involvement of voc-ed is not required by the act, however, and is assured only through the initiatives of the vocational education community.

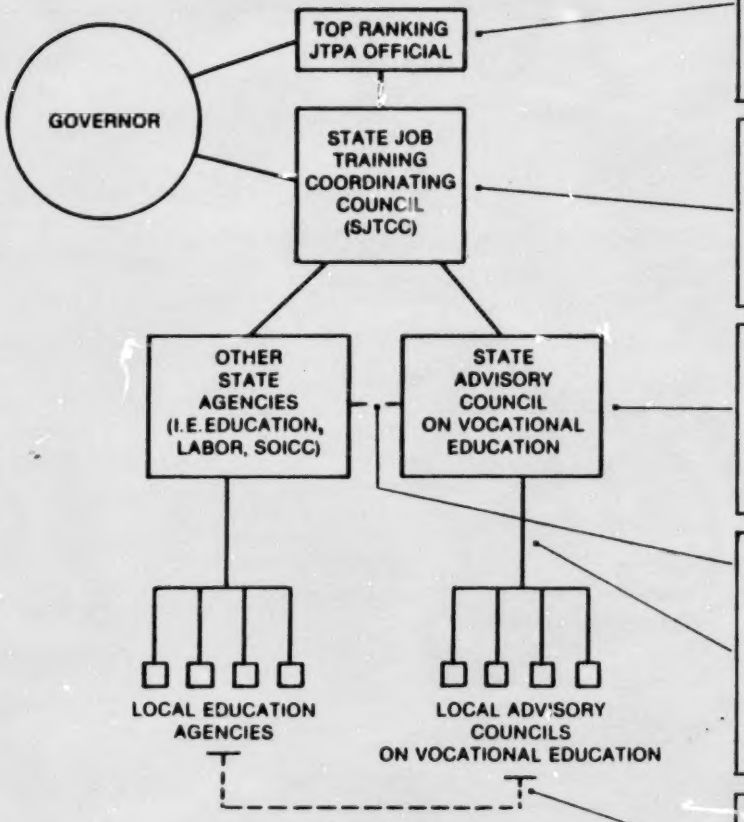
The State Job Training Coordinating Council (SJTCC) is the organizational unit created by the JTPA to assist, in an advisory capacity, the Governor in developing JTPA policy. The representation on, and responsibilities of, the SJTCC are outlined on the left.

The SJTCC can be an effective advisory body in helping to mold the JTPA into an efficient and successful program. The impact of the SJTCC will be greatest during the immediate transition period.

The State Advisory Councils on Vocational Education are important factors in assuring voc-ed's maximum representation on the SJTCC or on the various state level task forces or committees appointed to precede the SJTCC's creation.

SJTCC representation on the State Advisory Council continues to be required by the Vocational Education Amendments of 1976.

Suggested activities for the State Advisory Councils on Vocational Education (State Level):


GOVERNOR
TOP RANKING JTPA OFFICIAL
STATE JOB TRAINING COORDINATING COUNCIL (SJTCC)
OTHER STATE AGENCIES (I.E. EDUCATION, LABOR, SOICC)
STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION
LOCAL EDUCATION AGENCIES
LOCAL ADVISORY COUNCILS ON VOCATIONAL EDUCATION

1. Identify who is in charge of the JTPA at the state level.
   In most states this individual has been identified as the top ranking CETA official, during the transition period. Other states have appointed JTPA transition teams, or designated educational officials to oversee the transition.

2. Request State Advisory Council representation on the transition team and/or the State Job Training Coordinating Council (SJTCC) if one has been formed.
   The JTPA (sec.122) recommends State Advisory Council representation on the SJTCC, along with other voc-ed representatives.

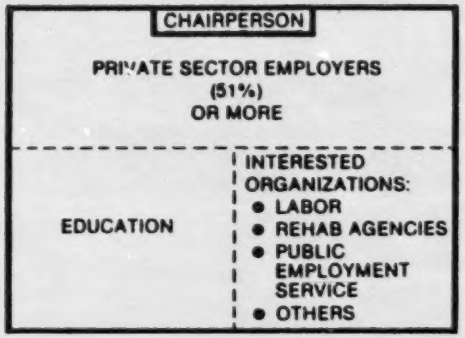
3. Establish within the State Advisory Council a JTPA committee.
   This committee can have the responsibility of keeping the State Advisory Council informed on matters relating to JTPA transition activities in the state, and can make recommendations for action.

4. Assist in the establishment of a voc-ed information system to coordinate JTPA activities.
   The State Advisory Council should work closely with the Local Advisory Councils on Vocational Education and other representatives of voc-ed at state and local levels. JTPA liaison persons should be identified by each voc-ed unit to assure communication on JTPA activities.

5. Help coordinate the planning and operation of regional and local JTPA conferences and workshops.
   These conferences can help develop strategies for assuring voc-ed representation and participation in JTPA activities at state and local levels.

The Private Industry Council (PIC): Representation and Responsibilities

REPRESENTATION ON THE PIC (INITIAL APPOINTMENT BY CHIEF GOV'T OFFICIAL)



PRINCIPLE RESPONSIBILITIES:

- DEVELOP OR DELEGATE THE DEVELOPMENT OF THE JOB TRAINING PLAN FOR THE SERVICE DELIVERY AREA
- SELECT GRANT RECIPIENT TO ADMINISTER THE PLAN
- PROVIDE POLICY GUIDANCE TO JTPA SERVICE PROVIDERS
- EXERCISE OVERSIGHT WITH RESPECT TO THE IMPLEMENTATION OF THE JTPA PLAN

Importance of input at the local level:

The majority of JTPA funds will flow from the Governor to the Private Industry Councils representing each Service Delivery Area (SDA). The Private Industry Council (PIC) is a three unit partnership of:

1. units of local government and education
2. private sector employers
3. Service providers

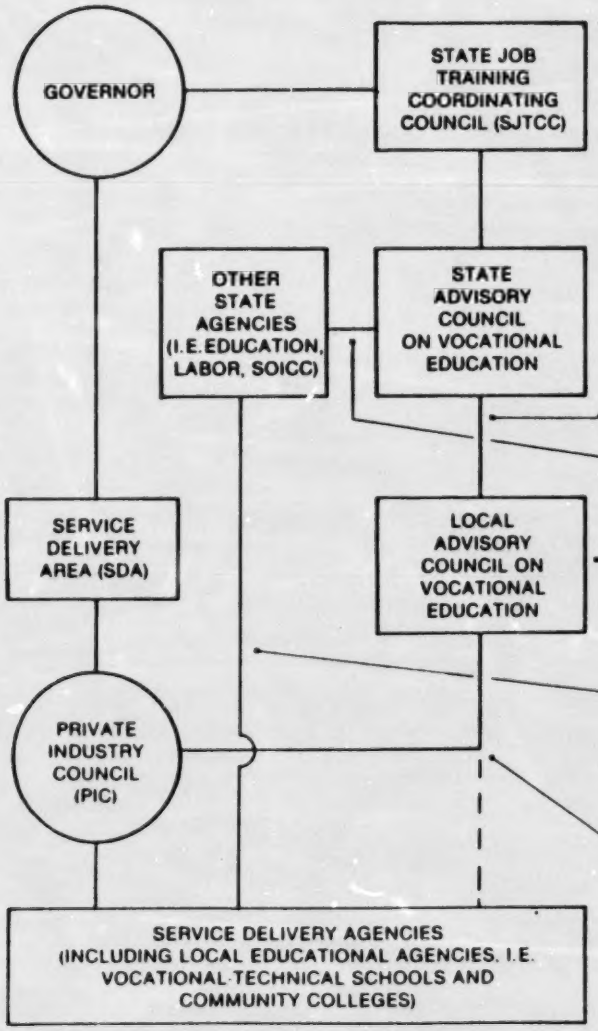
The intent of the JTPA is to increase private sector involvement in the planning, implementation, and evaluation of job training programs for the poor. Thus 51% of the PIC membership must be representative of the private sector, and the chairman must be selected from this group.

Initial PIC appointments will be made by the chief government official in each Service Delivery Area. Thereafter the PIC will determine,within JTPA guidelines, its own membership.

The PIC is the principal planner and decision-maker in the allotment of JTPA funds at the local level. Primary PIC criteria used in selecting service providers will be demonstrated performance, and the ability to meet training standards in terms of quality and costs.

Local vocational education providers, such as vocational-technical schools and community colleges, need to be encouraged to take early initiatives in assuring their involvement in training plans developed by the PIC.

Voc-ed's representation on the PIC, including the representation of Local Advisory Councils on Vocational Education and local education providers, will help assure voc-ed's involvement in the JTPA.


GOVERNOR
STATE JOB TRAINING COORDINATING COUNCIL (SJTCC)
OTHER STATE AGENCIES (I.E.EDUCATION, LABOR, SOICC)
STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION
SERVICE DELIVERY AREA (SDA)
LOCAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION
PRIVATE INDUSTRY COUNCIL (PIC)
SERVICE DELIVERY AGENCIES (INCLUDING LOCAL EDUCATIONAL AGENCIES, I.E. VOCATIONAL-TECHNICAL SCHOOLS AND COMMUNITY COLLEGES)

Suggested activities by the State Advisory Councils on Vocational Education (Local Level):

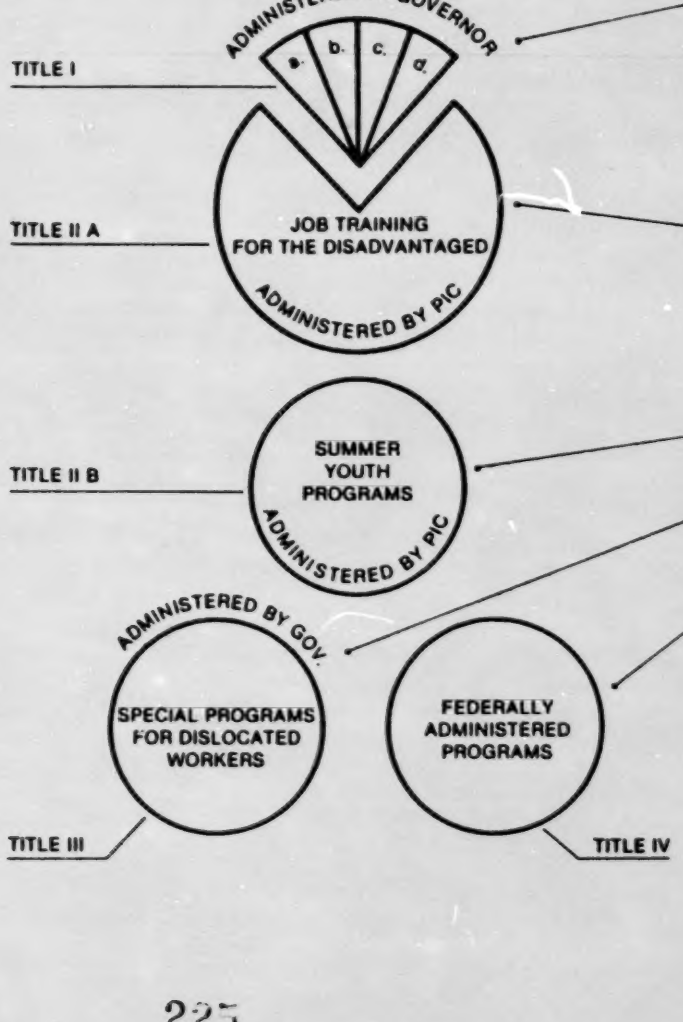
1. Provide the Local Advisory Councils on Vocational Education, and others in the voc-ed community, with information on the Private Industry Councils (PIC).
   Information, particularly on the timetables for PIC formation, needs to be provided from state to local levels in the early stages of the JTPA transition period.

2. Communicate to the Local Advisory Councils, and others in the voc-ed community, the importance of representation on, or some other involvement with, the PIC.
   Even though most PICs have yet to be formed, voc-ed leaders can begin informing relevant local government officials of the importance of voc-ed involvement in the PIC. First, voc-ed leaders must themselves be aware of the importance of PIC involvement.

3. Help encourage vocational educators to take the initiative in providing the liaison between local government officials and private sector employers, especially in the initial formation of the PIC.
   Many vocational educators have formed effective relations with private employers through trade advisory committees and cooperative training agreements.

4. Help in the development of conferences and workshops on the JTPA at the local level.
   Conferences and workshops will be important in the development of cooperative strategies to assure voc-ed involvement in the JTPA; and in the two-way communication of information relevant to JTPA planning at both state and local levels.

MAJOR FUNDING CATEGORIES UNDER THE JTPA



Summary of Programs:

TITLE I: GOVERNOR'S COORDINATION AND SPECIAL SERVICES PROGRAMS

a. Special Programs (Sec.121)
b. Coordination Grants and Cooperative Agreements (Sec.123)
c. Training for Older Individuals (Sec.124)
d. Incentive Grants (Sec.202)

TITLE IIA: JOB TRAINING FOR THE DISADVANTAGED

a. Training Services for Disadvantaged Youth and Adults
b. Exemplary Youth Programs

TITLE IIB: SUMMER YOUTH PROGRAMS

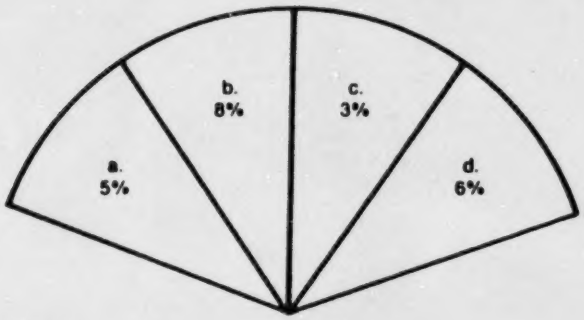
TITLE III: SPECIAL PROGRAMS FOR DISLOCATED WORKERS

TITLE IV: FEDERALLY ADMINISTERED PROGRAMS*

(Includes Native American Programs, Migrant and Seasonal Farmworker Programs, Job Corps, Affirmative Action Programs, and the Cooperative Labor Market Information Program.)

*Not covered in this report.

TITLE I
GOVERNOR'S COORDINATION AND SPECIAL SERVICES PROGRAM



TITLE I
FY84 STATE ALLOCATIONS: *

A. SPECIAL PROGRAMS (5% OF TITLE II A) $_____

B. STATE EDUCATION COORDINATION GRANTS (8% OF TITLE II A) $_____

C. TRAINING FOR OLDER INDIVIDUALS (3% OF TITLE II A) $_____

D. INCENTIVE GRANTS (6% OF TITLE II A) $_____

TOTAL SET-ASIDE OF TITLE II A FUNDS FOR TITLE I PROGRAMS: 22%

* Fill in as allocations are determined.

Title I Programs: Governor's Coordination and Special Services Programs

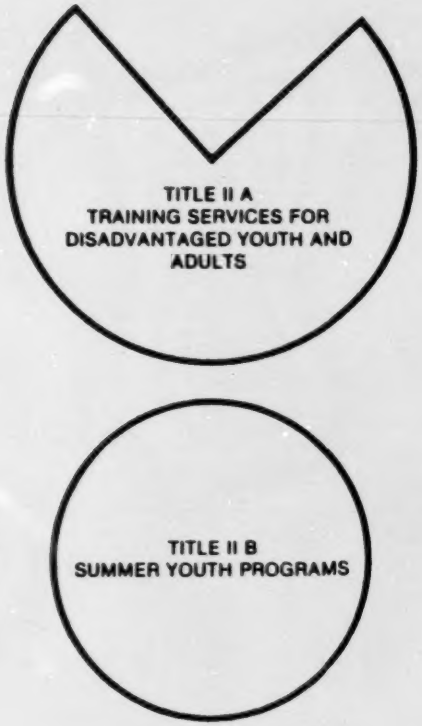
1. Principal administrator of funds:
   Governor's Office with advisory input from the State Job Training Coordinating Council (SJTCC)

2. Eligible Programs:
   a. Special Programs (sec.121):
      Includes technical assistance to the Service Delivery Areas (SDA's); model programs; offenders programs requiring special attention; special programs for rural areas; special programs in energy conservation and solar energy.
   b. Coordination Grants and Cooperative Agreements (sec.123):
      Includes funding of training and coordination service agreements between the designated state education agency and local educational agencies (LEA's), with 50% matching share of funds from the LEA's.
   c. Training for Older Individuals (sec.124):
      Includes programs which provide re-training for specific job openings or market demands.
   d. Incentive Grants (sec.202):
      Includes special allocations of funds to programs which have exceeded performance standards.

3. Suggested activities for the State Advisory Councils on Vocational Education:
   ** Gather recommendations from the Local Advisory Councils on Vocational Education, and other sources, for Title I program areas which should be included or stressed in the SJTCC's recommended state plan to the Governor.

   ** Assist Local Advisory Councils in advising voc-ed school staffs on improvements to programs and services needed to make them meet or exceed JTPA performance standards.

TITLE II A
FY84 STATE ALLOCATION: $_____
(DOES NOT INCLUDE FUNDS FOR TITLE I PROGRAMS)



TITLE II B
FY84 STATE ALLOCATION: $_____

***Fill in as allocations are determined.**

Title II Programs: Training Programs for the Disadvantaged

1. Principal administrator of funds:
   The Private Industry Councils (PIC's) are allotted funds from the Governor. The PIC determines allotments to the service providers.

2. Eligible programs:
   a. Training Services for the Disadvantaged (sec.204):
   Includes job search assistance; job counseling; remedial and basic skills education; skill and voc-ed training; retraining and upgrading; education-to-work transition programs; vocational exploration; high school equivalency certification; pre-apprenticeship training; use of advanced training techniques; customized training for specific employers or job openings.
   b. Exemplary Youth Programs (sec.205):
   Includes education for employment programs; pre-employment skills training; entry employment experience; school-to-work transition assistance.
   c. Summer Youth Programs (sec.252):
   Includes basic and remedial education; classroom voc-ed training; employment counseling; outreach and enrollment activities; supportive services.

3. Suggested activities for the State Advisory Councils on Vocational Education:
   ** Help provide voc-ed representatives and Local Advisory Councils on Vocational Education with information on programs eligible under Title II.

   ** Help encourage Local Advisory Councils and other local voc-ed representatives to develop recommendations on Title II programs which should be included in the PIC's training plan.

TITLE III
FY84 STATE ALLOCATION: $_____

* Fill in as allocations are determined.

Title III Programs: Special Programs for Dislocated Workers

1. Principal administrator of funds:
   a. Governor's Office with advisory input from the State Job Training Coordinating Council (SJTCC). A 50% matching share is required from funding recipient.

2. Eligible programs:
   a. Job training, retraining; job search assistance, placement, relocation assistance for the following individuals:
      * Victims of mass lay-offs
      * Victims of natural disasters
      * Persons affected by the relocation of Federal facilities
      * Residents of high unemployment areas or designated enterprise zones.

3. Suggested activities for the State Advisory Councils on Vocational Education:
   ** Provide Local Advisory Councils on Vocational Education with information on programs eligible under Title III.

   ** Identify, with the assistance of the Local Advisory Councils, areas of the state eligible for assistance under Title III. Provide the SJTCC with this information.

   ** Solicit Title III program recommendations from Local Advisory Councils, and provide recommendations to the SJTCC.

ACKNOWLEDGMENTS

The Council is very thankful to those individuals who took the time to review this document and give us valuable suggestions. We are also grateful to the National Association of State Advisory Councils on Vocational Education for assistance.

Additional resources

For additional information on the Job Training Partnership Act (JTPA) the following resources are recommended:

1. "Building a Partnership: Vocational Education and the Private Sector"; an in-depth report on the JTPA commissioned by the American Vocational Association, 2020 N. 14th Street, Arlington, VA, 22201.

2. "Tracking the Transition"; a report on the JTPA transition period prepared for the National Commission for Employment Policy, 1522 K Street, NW, Suite 300, Washington, D.C., 20005.

3. "Guide to the Transition from the Comprehensive Employment and Training Act to the Job Training Partnership Act"; a report produced by Youthwork, Inc., and the National Association of Private Industry Councils, Suite 510, 1055 Thomas Jefferson Street, NW, Washington, D.C., 20007.

4. "The Job Training Partnership Act"; Public Law 97-300, U.S. Government.

Contact the National Advisory Council on Vocational Education if assistance is needed.

The National Advisory Council on
Vocational Education
425 13th Street, N.W., Suite 412
Washington, D.C. 20004
202/376-8873